

Knoop, Donald

19-HPAC-00072

From: Bateson, Alayne
Sent: Monday, January 28, 2019 10:39 AM
To: FPP.PAC / PPP.PAC (DFO/MPO); Andriatz, Derek; Clattenburg, David; Clift, Doug;
Downey, Matthew; Fraser, Mike; Geddes, Sean; Lavery, Scott; Mimeault, Alex; Ray,
Derek; Reich, Alex
Subject: 19-0140-HAB-damage to Stewart Creek Yarrow Trans Mountain Pipeline.pdf
Attachments: 19-0140-HAB-damage to Stewart Creek Yarrow Trans Mountain Pipeline.pdf

Regarding Mike Pearson and the subject of Stewart Creek and the TransMountain Pipeline project that has been present
in the media for the last several days

Alayne Bateson
DFO Radio Room Supervisor
604-607-4187
1-800-465-4336 ORR Line

TAMC x

INCIDENT REPORT

AREA: FVE TIME: 09:50 DATE: 28-Jan-19 ORR: Yes OCCURRENCE #: 19-0140
 COMPLAINANT'S NAME: Mike Pearson TELEPHONE #: 604-785-7246
 ADDRESS: LOCATION: Stewart Creek FILE #:
 CITY: Yarrow DETAILS TAKEN BY: Alayne Bateson INCIDENT TYPE: HABITAT
 AGENCY RESPONSIBLE FOR ACTION: DFO
 C/N CALLED TO REPORT (DESCRIBE THE INCIDENT)

ALSON Bonnamis
 604 340-3359
 FLO MILLS
 604 824-3320

DETAILS: Biologist Mike Pearson of Pearson Ecological called in regarding damage to Stewart Creek allegedly by the Trans Mountain Pipeline installation. States a large amount of concrete block placed in a 20M area of Stewart Creek over the pipeline, and is now exposed.
 See attachments, including pictures and final report

Jan. 28/19 - 12:59
 - LV. MERS FOR CN TO CAN BACK. POK
 - CALL TO RFP ALSON Bonnamis TO LOOK AT TRANS MT PERMITS/NOTES. POK
 1:12 - TAKE TO CN.
 - PIPELINE - EXISTING - WASH OUT / EXPOSURE
 - CAUSE OF MASS CONCRETE MATT DIFF

GENDER: RACE: HEIGHT: WEIGHT: APPROX AGE:
 - MIST - MONG BRUNEL / LWP

DISTINGUISHING FEATURES: - Pipelines.

CLOTHING: - CONO, PBT, CUT SHORT - REMOVED OVER WINTER

VEHICLE: - 2016 - 1 SIGNIFICANT IN REPAIR AREA
 LOCATION/DIR OF TRAVEL:

VESSELS: - 1450 - 4000 RFP DID ALSON Bonnamis
 LOCATION/DIR OF TRAVEL: POK

CALL BACK REQUESTED: Yes
 Jan 29/19 - 9:15
 - LV. MERS FOR ALSON TO CAN BACK. POK

RADIO ROOM

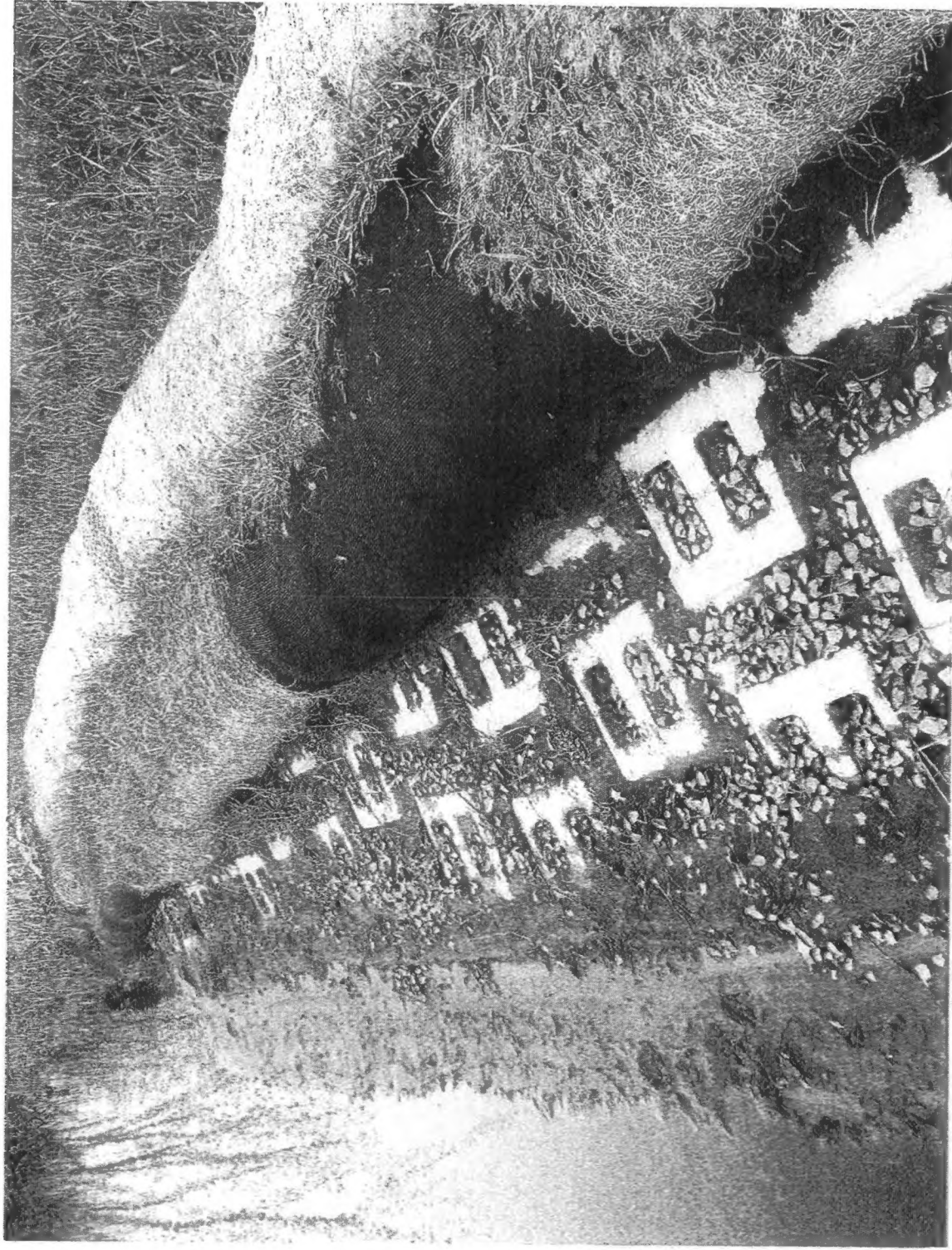
ACTION: emailed FVE, HAB @ 10:16
 Feb 4/19 - 12:00
 - TRULTO ALSON - ATTEMPT SIFT
 - WORKS - OK - / POK REASER.

Feb 4/19 - 12:33
 - CALL TO NCB TO HIGHWAY FOR FIVE POK

INVESTIGATOR'S SIGNATURE: DATE:
 - TALK TO CN
 - WORKS - CALL TO ALSON IF WORKED.
 - CROSSING POK

FLO ALON
 MONTAGNE
 604-824-3301







Sandgathe, Tracey L

From: Bonamis, Alston
Sent: Monday, January 28, 2019 9:03 AM
To: Malikian, Janine
Cc: Sandgathe, Tracey L
Subject: RE: Heads-up re: news article: Trans Mountain pipeline work destroyed salmon habitat, scientist says

s.19(1)

Hi Janine,

We are aware of the reported issue at Stewart Creek, and trying to determine whether the NEB has role here. This is not part of the reconsideration process, as it relates to works on the existing pipeline, not the one currently being looked at as part of the NEB review.

Can you please send me the most up-to-date copy of MLs you have for TMX, so that I can provide additional content related to this issue.

Thanks,
Alston

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Monday, January 28, 2019 8:08 AM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: Heads-up re: news article: Trans Mountain pipeline work destroyed salmon habitat, scientist says

Good morning Alston,

You may have seen this already: a Canadian Press article distributed widely, about the TMX work at Stewart Creek crossing in Chilliwack effecting salmon habitat:

[Trans Mountain pipeline work destroyed salmon habitat, scientist says](#)
The Canadian Press · Posted: Jan 27, 2019 5:40 PM PT

No mention of DFO, but just wondering, in the event of media requests, should we redirect to the NEB in light of the reconsideration process?

Thanks,
Janine

Crance, Colin

From: Crance, Colin
Sent: Tuesday, January 29, 2019 11:33 AM
To: Hart, Joshua
Subject: FW: Trans Mountain Stewart Slough - information provided to media request

FYI

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: Tuesday, January 29, 2019 11:05 AM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: Fwd: Trans Mountain Stewart Slough - information provided to media request

FYI.

s.19(1)

----- Original message -----

From: [REDACTED]
Date: 2019-01-29 7:42 AM (GMT-08:00)
To: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: Trans Mountain Stewart Slough - information provided to media request

Hello Alston,

Further to my voice mail, please find below the information I indicated would be provided.

Here are the reporter's questions, and the information that was provide as a response (Trans Mountain response in *blue italicized*)

- Trans Mountain's filings with the energy board show its plans to cover the exposed pipe in the Fraser Valley creek. The company wrote that it would place articulated concrete mats in the channel, extending approximately eight metres upstream and nine metres downstream of the exposed line, and cover it with riprap. (<https://apps.neb-one.gc.ca/REGDOCS/Item/View/3579889>) Biologist Mike Pearson says the work was completed in August to September last year, and he visited the site in December and took photos that show much of the gravel has been swept away by currents, leaving the concrete blocks exposed. He says the work has degraded salmon habitat in several ways, including that the smooth hard concrete at the bottom of the stream limits the salmon's ability to hide from predators, supports very few of the aquatic invertebrates that fish feed on and inhibits plant growth. He described the work as "amateur hour" and said it raised concerns about the company's ability to properly build infrastructure through hundreds of waterways if the expansion project proceeds. His assessment, done for Yarrow Ecovillage, can be found here: <https://apps.neb-one.gc.ca/REGDOCS/File/Download/3723601> How do you respond?

The Stewart Slough works were authorized by the BC Oil and Gas Commission (BCOGC). An Operations and Maintenance Notification was filed with the National Energy Board (NEB). The engineered design was provided to the NEB. The NEB has an MOU with Fisheries and Oceans Canada whereby they assess the potential impacts of a project to fish and fish habitat, including aquatic species at risk in a manner that considers the intent and requirements of the Fisheries Act and the Species at Risk Act (SARA). The NEB determines whether the project requires a Fisheries Act authorization under paragraph 35(2)(b). These works did not require authorization under the Fisheries Act.

A Hydrotechnical Assessment and Remediation Design was conducted by a third-party Professional Engineer to protect the exposed section of pipeline. This included a low-flow hydrology study assessment to ensure the remediation design would not impede fish passage. An Environmental Assessment was conducted by a third-party environmental consultant (i.e. Registered Professional Biologist), and an Environmental Impact Assessment and Environmental Management Plan were prepared.

Works were monitored full-time by a Qualified Environmental Professional and completed during the Reduced Risk Instream Work Window and with implementation of standards and practices for instream works. Site restoration was overseen by a Qualified Environmental Professional (i.e. R.P.Bio.).

Extensive consultation about the works was completed with the Yarrow Ecovillage, prior to and during construction, including the development of Organic Protocols, monitoring during construction activities and engagement for restoration plans.

BCOGC conducted a site inspection during construction and post-construction and no issues were noted.

- I see in the file that Trans Mountain urged the energy board to reject this late evidence and said it was outside the scope of the current review. I don't see a ruling from the NEB on whether to accept the late evidence, but I will check with them. Scientists and environmentalists are urging the energy board to expand the current review to include salmon habitat. The review is strictly looking at the impacts of increased marine shipping, but a major issue is impacts to killer whales, and experts say plentiful food is crucial to their survival. Do you have any comment on that?

The Reconsideration Hearing is considering any necessary changes to the NEB's May 2016 Recommendation Report, taking into account Project-related marine shipping between the Westridge Marine Terminal and the 12-nautical-mile territorial sea limit under the Canadian Environmental Assessment Act, 2012 (CEAA 2012). You can find more information on the scope of the Hearing [here](#).

Watercourse crossings were thoroughly assessed by the NEB in the previous proceeding. As a result of this assessment, the Board developed Condition 43 (Watercourse Crossing Inventory) and we developed comprehensive Environmental Protection Plans which help ensure we can mitigate effects and protect fish and their habitat. In accordance with Condition 72, we filed the Pipeline Environmental Protection Plan with the NEB in June 2017.

In the NEB's 2016 Recommendation Report, the Board stated: 'The Board is of the view that proposed watercourse crossings designs, mitigation measures, reclamation activities, and post construction environmental monitoring, as proposed by Trans Mountain, are appropriate and would effectively reduce the extent of effects on fish and fish habitat.'

- Pearson also says it's not an isolated incident, as he assessed a pipeline creek crossing on Sumas Mountain in 2015 and found that the site was physically unstable and reconstructed with materials inappropriate to restoring habitat. (document attached) How do you respond?

A third-party environmental consultant (i.e. Registered Professional Biologist) conducted an environmental assessment and prepared an Environmental Management Plan for the McCallum Brook project. Works were completed during the Reduced Risk Instream Work Window and with implementation of standards and practices for instream works. The project was monitored full-time by a Qualified Environmental Professional (i.e. R.P.Bio.) and overseen by a third-party Professional Engineer. The site restoration was overseen by a Qualified Environmental Professional (i.e. R.P.Bio.). The BC Oil and Gas Commission conducted a follow-up inspection and no issues were noted.

- A stream-keeper in Burnaby has also repeatedly raised concerns about excavation at Trans Mountain's terminal in the city. John Preissl has filed several complaints with the energy board over the past year about the work causing mud and sediment to fall into salmon-bearing creeks during rains. He says the sediment can suffocate

salmon and bury their eggs. Preissl says an April inspection of the tank farm found several improperly installed sediment and erosion control measures. You can see a photo and read more about his complaints in this article: <https://www.burnabynow.com/news/trans-mountain-sediment-and-erosion-controls-failed-neb-inspection-1.23518232> How do you respond?

Trans Mountain has extensive sediment control measures and mitigation efforts in place at Burnaby Terminal, including a Water Management Plan, an Erosion and Sediment Control Plan, and ongoing daily environmental monitoring. These measures are outlined in various plans submitted to and approved by the National Energy Board related to the work currently underway at the terminal.

A joint environmental inspection of approved work activities at Burnaby Terminal and Westridge Marine Terminal, as part of the Burnaby Terminal Facility Piping Relocation and Decommissioning Project and the Trans Mountain Expansion Project, occurred over two days in April 2018.

Of the multiple aspects inspected at both terminals, one regulator expressed concern about installation and documentation of instructions for erosion and sediment control measures at Burnaby Terminal. The corrective actions required by the NEB Inspection Officers were confirmed by the Inspector's deadline. Trans Mountain continues to abide by its Environmental Protection Plan and Erosion and Sediment Control Plan for Burnaby Terminal in all of its ongoing activities.

The concerns related to this inspection have been addressed.

- Ten of the original 157 conditions relate to fish and their habitat, including that the company must file information with the board before starting construction on watercourse crossings, including details on the presence of fish and fish habitat and a riparian habitat management plan. But Eugene Kung of West Coast Environmental Law says these conditions are inadequate as they are mostly a "plan to make a plan." How do you respond?

Even before we sought approval in December 2013 from the National Energy Board for the expansion, field crews were investigating all potential watercourse crossing options for the pipeline. As part of the Watercourse Crossing Inventory (Condition 43), Trans Mountain's fisheries research teams investigated upward of 1,000 locations in British Columbia and Alberta to map out potentially sensitive habitat along the pipeline route. The information gleaned from this fieldwork allows us to avoid or minimize impact to fish and fish habitat during pipeline construction.

Trans Mountain, its contractors and sub-contractors will carry out extensive mitigation measures and our Environmental Protection Plans detail the actions required to ensure protection of land, plants, wildlife, fish and the marine environment in all phases of the Project. For example, the Pipeline Environmental Protection Plan (Condition 72) includes 139 mitigation measures required for activities related to water crossings.

Trans Mountain is using environmental inspectors along the footprint for the pipeline and for facility construction sites. Environmental inspectors consult with construction managers or their designates and with Trans Mountain to assess potential impacts, monitor construction activity and approve mitigation measures.

- Pacific Salmon Foundation Investments

We are also involved with a number of programs to enhance fish and fish habitat. In the previous NEB proceeding, Trans Mountain committed to contributing directly to Pacific Salmon Foundation's (PSF) Salish Sea Marine Survival Project by working with stakeholders, Indigenous communities, and regulatory authorities such as DFO to protect, preserve and where possible enhance the freshwater habitat of important Fraser River salmon stocks. This commitment was later enshrined as Condition 132, the Marine Mammal Protection Program.

In 2014, Trans Mountain made a \$50,000 contribution to PSF to be used for salmon habitat restoration in Burrard Inlet. The donation was to acknowledge PSF's efforts to fund volunteer salmon habitat enhancement initiatives throughout BC and the west coast.

In 2017, Trans Mountain signed an MOU with PSF for multi-year salmon programs, including a third-party assessment by PSF of Trans Mountain's construction across sensitive salmon-bearing water courses in British Columbia. The agreement provides \$2.5 million in funding to support grants to community groups for salmon conservation, coastal research, and post-secondary education bursary program and up to \$500,000 for the third-party construction assessment. PSF received a first payment of \$1.5 million of the committed donation funding from Trans Mountain in October of 2017. You can find more information about the partnership here.

Trans Mountain's is planning to post information regarding this matter on our website, I will forward the link once it is available. This is anticipated to be at some point today.

The above information has also been provided to the NEB. Trans Mountain staff have also been in communication with BCOGC regarding this matter.

Should there be anything further, please let me know.

s.19(1)

Toll Free: 1.866.514.6700 | E: info@transmountain.com | W: transmountain.com

Follow: @TransMtn



This email and any attachments are for the sole use of the intended recipients and may be privileged or confidential. Any distribution, printing or other use by anyone else is prohibited. If you are not an intended recipient, please contact the sender immediately, and permanently delete this email and attachments.

Le présent courriel et les fichiers joints s'adressent uniquement au destinataire visé et peuvent contenir des renseignements confidentiels ou privilégiés. La distribution du courriel, son impression ou toute autre utilisation par une autre personne sont interdites. Si vous n'êtes pas le destinataire visé, veuillez en aviser l'expéditeur immédiatement et supprimer le courriel et les fichiers joints de façon définitive.

Brewis, William

From: Fraser, Mike
Sent: Tuesday, January 29, 2019 7:55 AM
To: Mimeault, Alex
Cc: Clattenburg, David; FPP.PAC / PPP.PAC (DFO/MPO)
Subject: FW: 19-0140-HAB-damage to Stewart Creek Yarrow Trans Mountain Pipeline.pdf
Attachments: 19-0140-HAB-damage to Stewart Creek Yarrow Trans Mountain Pipeline.pdf

Importance: High

Categories: Don

Please call Mike Pearson and work with FPP on this file. Keep Dave and I in the loop as this issue is currently in the media.

Thanks

Mike Fraser

Fishery Officer - Field Supervisor
F.V.E. Detachment Chilliwack
Phone (604) 824-3320
Cell [REDACTED]
Email: Mike.Fraser@dfo-mpo.gc.ca

s.16(2)



CONFIDENTIALITY NOTICE: The contents of this electronic mail message are confidential and may contain **PROTECTED** level information. This message is strictly reserved for the sole use of its intended recipients. Unauthorized viewing of **PROTECTED** documents is prohibited by law. If you receive this message in error, notify the sender immediately and delete the original message and all copies thereof. Any disclosure, copying, distribution, review, transmission, dissemination or reliance on the contents of the information by anyone other than its intended recipients is prohibited.

From: Bateson, Alayne
Sent: January-28-19 10:39 AM
To: FPP.PAC / PPP.PAC (DFO/MPO); Andriatz, Derek; Clattenburg, David; Clift, Doug; Downey, Matthew; Fraser, Mike; Geddes, Sean; Laverty, Scott; Mimeault, Alex; Ray, Derek; Reich, Alex
Subject: 19-0140-HAB-damage to Stewart Creek Yarrow Trans Mountain Pipeline.pdf

Regarding Mike Pearson and the subject of Stewart Creek and the TransMountain Pipeline project that has been present in the media for the last several days

Alayne Bateson
DFO Radio Room Supervisor

604-607-4187

1-800-465-4336 ORR Line

No information has been removed or severed from this page

INCIDENT REPORT

AREA: TIME: DATE: ORR: OCCURRENCE #:

COMPLAINANT'S NAME: TELEPHONE #:

ADDRESS: LOCATION: FILE #:

CITY: DETAILS TAKEN BY: INCIDENT TYPE:

AGENCY RESPONSIBLE FOR ACTION:

C/N CALLED TO REPORT (DESCRIBE THE INCIDENT)

DETAILS:

GENDER: RACE: HEIGHT: WEIGHT: APPROX
AGE:

DISTINGUISHING FEATURES:

CLOTHING:

VEHICLE: LOCATION/DIR OF TRAVEL :

VESSELS: LOCATION/DIR OF TRAVEL :

CALL BACK REQUESTED:

RADIO ROOM

ACTION:

INVESTIGATORS SIGNATURE DATE:

Henderson, Evan

From: Bonamis, Alston
Sent: Tuesday, January 29, 2019 14:33
To: Henderson, Evan
Subject: FW: Heads-up re: news article: Trans Mountain pipeline work destroyed salmon habitat, scientist says
Attachments: ML_TM-StewartCreek-habitat.docx

From: Bonamis, Alston
Sent: Tuesday, January 29, 2019 2:32 PM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: RE: Heads-up re: news article: Trans Mountain pipeline work destroyed salmon habitat, scientist says

Updated MLs for Review and submission to Janine (see below).

Thanks,
Alston

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Tuesday, January 29, 2019 12:19 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Subject: RE: Heads-up re: news article: Trans Mountain pipeline work destroyed salmon habitat, scientist says

Hi Alston,

I put the lines in a docket and added a line to clarify that work on the existing pipeline isn't part of the TMX project.

Can you please review?

Thanks,
Janine

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: January-28-19 2:49 PM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Subject: RE: Heads-up re: news article: Trans Mountain pipeline work destroyed salmon habitat, scientist says

Hi Janine,

Here are draft media lines pertaining to the Stewart Creek incident report. These will need approval prior to use.

- On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Creek in Chilliwack, BC that may have potentially affected fish habitat.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Creek.
- DFO is currently following-up with the complainant and Trans Mountain Pipeline ULC to better understand the circumstance around the reported incident.

Alston

DRAFT

Media Lines

Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Creek

Issue:

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works conducted by Trans Mountain Pipeline ULC on the existing pipeline at Stewart Creek in Chilliwack, BC that may have potentially affected fish habitat. In a Canadian Press article, a biologist is claiming that the work has destroyed salmon habitat. The article states that Trans Mountain ULC submitted plans to the National Energy Board to cover exposed pipe in the Fraser Valley creek by placing concrete mats in the channel upstream and downstream of the exposed line, and covering it with small stones. The biologist says photos of the crossing show most of the stones have been swept away by currents, leaving the concrete blocks exposed and degrading the habitat. Since the existing Trans Mountain pipeline is associated with the high-profile Trans Mountain Pipeline Expansion Project, the article is garnering attention, and could elicit media requests.

Canadian Press article for reference:

<https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Media lines:

-
- On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Creek Slough in Chilliwack, BC that may have potentially affected fish habitat.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Creek.
- DFO is currently following up with the complainant and Trans Mountain Pipeline ULC (the Proponent) to better understand the circumstance around the reported incident.
- DFO is conducting a site visit to Stewart Slough in the coming days to assess potential effects to fish and fish habitat from the maintenance works conducted.
- It is DFO's understanding from follow-up with the Proponent that An Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works

DRAFT

- The National Energy Board and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required.
- DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act* and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.
- DFO did not receive any applications from the Proponent or referrals regarding these works, undertakings or activities at Stewart Slough.
- Works conducted on the existing pipeline at Stewart Creek Slough in Chilliwack, BC are not part of the Trans Mountain Pipeline Expansion Project.

Program Contact: Alston Bonamis, Fisheries Protection Program, 604-340-3359

Communications Contact: Janine Malikian, Pacific Region Communications, 604-666-6766

Henderson, Evan

From: Henderson, Evan
Sent: Tuesday, January 29, 2019 15:51
To: Bonamis, Alston s.19(1)
Subject: Response for IAMC

See modified content for [REDACTED] below. I'm not sure of the status with complainant or proponent follow-up so those lines may need to be modified to reflect the current situation.

Hi [REDACTED]

See below for a summary of the role of Fisheries and Oceans Canada (DFO) with regard to Stewart Slough.

- On January 28, 2019, DFO received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstance around the reported incident.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough.
- DFO will conduct a site visit to Stewart Slough in the coming days to assess potential effects to fish and fish habitat from the maintenance works conducted.

Evan Henderson, M.Sc., R.P.Bio.

A/ Senior Fisheries Protection Biologist, Ecosystems Management Branch
Fisheries and Oceans Canada / Government of Canada
evan.henderson@dfo-mpo.gc.ca / Tel: 604-666-2408

Biologiste principal de la protection des pêcheries, Gestion des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
evan.henderson@dfo-mpo.gc.ca / Tél: 604-666-2408



Government
of Canada

Gouvernement
du Canada

Canada

Crance, Colin

From: Sandgathe, Tracey L
Sent: Wednesday, January 30, 2019 12:21 PM
To: Crance, Colin; Gordanier, Tania; Webb, Cheryl
Subject: Stewart Slough - Trans Mountain Pipeline

s.16(2)

FYI, Alston will be conducting a site visit today. This is the update that went to our regional ROCs committee today:

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstance around the reported incident. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project. It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. **DFO will conduct a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted.**

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Gordanier, Tania

From: Crance, Colin
Sent: Wednesday, January 30, 2019 2:14 PM
To: Fagan, Ashley
Cc: Gordanier, Tania; Marquis, Hélène; Hart, Joshua
Subject: RE: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough
Attachments: Fwd: Trans Mountain article: Going Beyond the Headline: Trans Mountain Conducts Substantial Work to Protect Fish Habitat (Stewart Slough)

Hi Ashley – Yes, the region shared and we are comfortable with these lines. A DFO biologist intends to visit the site today.

FYI, the proponent is out ahead of this issue. Please see attached e-mail and link.

Cheers.
Colin

From: Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca>
Sent: Wednesday, January 30, 2019 2:09 PM
To: Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Subject: FW: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Hi Tania/Colin—here are the lines that PAC region developed on the salmon habitat issue. Not sure if PAC program has reached out to you already? Any concerns with these from your perspectives?

Ashley

From: Bate, Dan
Sent: January-30-19 1:06 PM
To: Fagan, Ashley
Cc: Malikian, Janine
Subject: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Hi Ashely – Janine mentioned you were expecting these.
Sending them on her behalf.

Dan

Issue: On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report related to works conducted by Trans Mountain Pipeline ULC on the existing pipeline at Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. In a Canadian Press article, a biologist is claiming that the work has destroyed salmon habitat. The article states that Trans Mountain ULC submitted plans to the National Energy Board to cover exposed pipe in the Fraser Valley creek by placing concrete mats in the channel upstream and downstream of the exposed line, and covering it with small stones. The biologist says photos of the crossing show most of the stones have been swept away by currents, leaving the concrete blocks exposed and degrading the habitat. Since the existing Trans Mountain pipeline is associated with the high-profile Trans Mountain Pipeline Expansion Project, the article is garnering attention, and could elicit media requests.

Canadian Press article for reference: <https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Approved by: Cheryl Webb, Tracey Sandgathe, Louise Girouard, Sarah Murdoch (A/RDG).

Media lines:

- On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough.
- DFO is currently following up with the complainant and Trans Mountain Pipeline ULC (the Proponent) to better understand the circumstances around the reported incident.
- DFO is conducting a site visit to Stewart Slough in the coming days to assess any potential effects to fish and fish habitat from the maintenance works conducted.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works.
- The National Energy Board and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required.
- DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act* and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.
- DFO did not receive any applications from the Proponent or referrals regarding these works, undertakings or activities at Stewart Slough.
- Works conducted on the existing pipeline at Stewart Slough in Chilliwack, B.C. are not part of the Trans Mountain Pipeline Expansion Project.

Program Contact: Alston Bonamis, Fisheries Protection Program, 604-340-3359

Communications Contact: Janine Malikian, Pacific Region Communications, 604-666-6766

s.16(2)

Dan Bate

Team Lead, Communications
Fisheries and Oceans Canada Pacific Region / Canadian Coast Guard Western Region / Government of Canada
Dan.Bate@dfo-mpo.gc.ca / Tél: (604) 775-8809 / Cell: [REDACTED]

Chef d'équipe, communications
Pêches et Océans Canada, région du Pacifique / Garde côtière canadienne, région de l'Ouest / Gouvernement du Canada
Dan.Bate@dfo-mpo.gc.ca / Tél : (604) 775-8809 / Tél. cell. : [REDACTED]

Page 22
is a duplicate of
est un duplicata de la
page 26

Site Visit Report: SV-2019-01-30

Trans Mountain Pipeline ULC – Stewart Slough Crossing

Date	January 30, 2019	Time on site	10:00	Time off site	11:30
DFO attendees	Alston Bonamis; William Brewis				
IAMC attendees	None present				
Background					
<ul style="list-style-type: none"> On January 28, 2019, DFO received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstances around the reported incident. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project. It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals regarding the works, undertakings or activities at Stewart Slough. 					
Purpose					
<ul style="list-style-type: none"> DFO conducted the site visit to Stewart Slough to assess potential effects to fish and fish habitat from the maintenance works conducted. 					
Observations					
<ul style="list-style-type: none"> Installed substrate at the channel crossing was consistent with the design plan, which was submitted by the Proponent to the NEB prior to undertaking the maintenance works (Photos 1 and 2). Net accretion of sediment over the installed substrate on the streambed is evident and DFO anticipates this will continue to move towards a similar streambed habitat as that observed upstream and downstream adjacent to the crossing (Photo 3). Riparian planting using native species (snowberry and alder) and seeded matting has occurred on the banks of the crossing but planting and installation of tree rootwads does not extend to the base level of the watercourse, as seen upstream and downstream of the crossing (Photos 1 and 2). Areas of exposed articulated concrete blocks and gravel are present in a zone between the riparian planting and the base level of the channel at the crossing (Photo 3). 					
Follow-up Actions					
<ul style="list-style-type: none"> DFO will follow up with the Proponent to determine the objectives of maintenance works at the crossing with regard to fish habitat and request information regarding the levels of riparian planting at the site. 					

Site Visit Report: SV-2019-01-30



Photo 1. View north (facing upstream) of the Stewart Creek Crossing



Photo 2. View southwest (facing downstream) of the Stewart Creek Crossing

Site Visit Report: SV-2019-01-30



Photo 3. Installed substrate and sediment deposited below base level at the Stewart Slough crossing (view to northeast, upstream)



Photo 4. Downstream riparian and instream habitat adjacent to Stewart Slough crossing (view to south from west bank)

Henderson, Evan

From: Bonamis, Alston
Sent: Wednesday, January 30, 2019 07:45
To: Sandgathe, Tracey L; Crance, Colin
Cc: Gordanier, Tania; Henderson, Evan
Subject: Fwd: Trans Mountain article: Going Beyond the Headline: Trans Mountain Conducts Substantial Work to Protect Fish Habitat (Stewart Slough)

s.19(1)

FYI.

----- Original message -----

From: [REDACTED]
Date: 2019-01-30 7:16 AM (GMT-08:00)
To: "charlotte.haines@neb-one.gc.ca" <charlotte.haines@neb-one.gc.ca>, "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: Trans Mountain article: Going Beyond the Headline: Trans Mountain Conducts Substantial Work to Protect Fish Habitat (Stewart Slough)

Good Morning,

As previously noted, I am now providing the link to the article Trans Mountain has posted to our website in regards to the Stewart Slough article. This will also be shared on social media.

<https://www.transmountain.com/news/2019/going-beyond-the-headline-trans-mountain-conducts-substantial-work-to-protect-fish-habitat>

This article contains several pictures of the location.



Toll Free: 1.866.514.6700 | E: info@transmountain.com | W: transmountain.com

Follow: @TransMtn



This email and any attachments are for the sole use of the intended recipient(s) and may be privileged or confidential. Any distribution, printing or other use by anyone else is prohibited. If you are not an intended recipient, please contact the sender immediately and permanently delete this email and attachments.

Le présent courriel et les fichiers joints s'adressent uniquement au destinataire(s) visé(s) et peuvent contenir des renseignements confidentiels ou privilégiés. La distribution ou l'utilisation non autorisée de cette information par une autre personne sont interdites. Si vous n'êtes pas le destinataire visé, veuillez en aviser le destinataire immédiatement et supprimer le courriel et les fichiers joints de façon définitive.

Sandgathe, Tracey L

From: Sandgathe, Tracey L
Sent: Wednesday, January 30, 2019 9:37 AM
To: Reid, Rebecca
Cc: Webb, Cheryl
Subject: Media Report - Trans Mountain - Stewart Creek **s.16(2)**
Importance: High

Rebecca, in the event you need something on this pipeline crossing that has been in the news - please see below. FPP will be conducting a site visit today.

Trans Mountain Pipeline – Stewart Slough Crossing

- On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat.
- DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstance around the reported incident.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough.
- Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works.
- DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough.
- DFO will conduct a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Sandgathe, Tracey L
Sent: January-28-19 6:53 AM
To: Reid, Rebecca; Webb, Cheryl

Subject: Media Report - Trans Mountain - Stewart Creek
Importance: High

s.16(2)

For your information - NHQ is preparing QP notes on the following article. Region will prepare media lines.

<https://www.ctvnews.ca/mobile/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

The general message is:

- We are aware of the recent reports related to the Fraser Valley Creek Crossing.
- This work was done in relation to maintenance on the existing pipeline and was undertaken to protect it from erosion.
- We take any reports of impacts to fish and fish habitat seriously. We are looking into this matter and will take the necessary action to ensure that any outstanding issues are addressed.

Background:

Stewart Creek is fish bearing, and supports Coho, Chum, Cutthroat, and Rainbow/Steelhead trout. DFO has not previously reviewed this pipeline crossing or others in the vicinity as these works have not been referred to DFO (either by the Proponent or the NEB). The work relates to the existing Trans Mountain Pipeline, and involved installation of concrete blocks to form an apron over the existing pipeline to protect it from scour/erosion. It appears the BC Oil and Gas Commission approved the work; it is unclear if permits were also required from the NEB.

The IAMC is aware of this article and it has been circulated amongst the monitoring sub-committee. We are likely to receive follow-up questions from the IAMC and the media.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sandgathe, Tracey L

From: Crance, Colin
Sent: Wednesday, January 30, 2019 12:53 PM
To: Sandgathe, Tracey L
Subject: FW: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

FYI

From: Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca>
Sent: Wednesday, January 30, 2019 2:17 PM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Cc: Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>; Hart, Joshua <Joshua.Hart@dfo-mpo.gc.ca>
Subject: RE: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Thanks for this Colin, this is helpful.

We've not received any media calls on this, so I think we'll hold on approvals unless we get a call.

From: Crance, Colin
Sent: January-30-19 2:14 PM
To: Fagan, Ashley
Cc: Gordanier, Tania; Marquis, Hélène; Hart, Joshua
Subject: RE: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Hi Ashley – Yes, the region shared and we are comfortable with these lines. A DFO biologist intends to visit the site today.

FYI, the proponent is out ahead of this issue. Please see attached e-mail and link.

Cheers.
Colin

From: Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca>
Sent: Wednesday, January 30, 2019 2:09 PM
To: Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Subject: FW: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Hi Tania/Colin—here are the lines that PAC region developed on the salmon habitat issue. Not sure if PAC program has reached out to you already? Any concerns with these from your perspectives?

Ashley

From: Bate, Dan
Sent: January-30-19 1:06 PM
To: Fagan, Ashley
Cc: Malikian, Janine
Subject: ML: Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Hi Ashely – Janine mentioned you were expecting these.
Sending them on her behalf.

Dan

Issue: On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report related to works conducted by Trans Mountain Pipeline ULC on the existing pipeline at Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. In a Canadian Press article, a biologist is claiming that the work has destroyed salmon habitat. The article states that Trans Mountain ULC submitted plans to the National Energy Board to cover exposed pipe in the Fraser Valley creek by placing concrete mats in the channel upstream and downstream of the exposed line, and covering it with small stones. The biologist says photos of the crossing show most of the stones have been swept away by currents, leaving the concrete blocks exposed and degrading the habitat. Since the existing Trans Mountain pipeline is associated with the high-profile Trans Mountain Pipeline Expansion Project, the article is garnering attention, and could elicit media requests.

Canadian Press article for reference: <https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Approved by: Cheryl Webb, Tracey Sandgathe, Louise Girouard, Sarah Murdoch (A/RDG).

Media lines:

- On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough.
- DFO is currently following up with the complainant and Trans Mountain Pipeline ULC (the Proponent) to better understand the circumstances around the reported incident.
- DFO is conducting a site visit to Stewart Slough in the coming days to assess any potential effects to fish and fish habitat from the maintenance works conducted.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works.
- The National Energy Board and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required.
- DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act* and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.
- DFO did not receive any applications from the Proponent or referrals regarding these works, undertakings or activities at Stewart Slough.
- Works conducted on the existing pipeline at Stewart Slough in Chilliwack, B.C. are not part of the Trans Mountain Pipeline Expansion Project.

Program Contact: Alston Bonamis, Fisheries Protection Program, 604-340-3359

Communications Contact: Janine Malikian, Pacific Region Communications, 604-666-6766

Dan Bate

Team Lead, Communications

Fisheries and Oceans Canada Pacific Region / Canadian Coast Guard Western Region / Government of Canada

Dan.Bate@dfo-mpo.gc.ca / Tel: (604) 775-8809 / Cell: [REDACTED]

Chef d'équipe, communications

Pêches et Océans Canada, région du Pacifique / Garde côtière canadienne, région de l'Ouest / Gouvernement du Canada

Dan.Bate@dfo-mpo.gc.ca / Tél : (604) 775-8809 / Tél. cell. : [REDACTED]

s.16(2)

Brewis, William

From: Bonamis, Alston
Sent: Thursday, January 31, 2019 10:16 AM
To: Brewis, William
Subject: FW: Habitat Impacts at Stewart Slough

s.19(1)

Context...

From: [REDACTED]
Sent: Wednesday, January 30, 2019 11:09 PM
To: [REDACTED] Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: Re: Habitat Impacts at Stewart Slough

I'm interested in two DFO issues currently

- 1) the fish kill investigation, and follow-up meeting. When there was a non-compliance meeting this past summer, Cheryl had noted that subsequent meetings would involve the IAMC. I haven't seen anything on this.
- 2) feedback from DFO as it relates to this site visit.

It is hard for Indigenous communities to have faith in the regulatory process without a greater degree of transparency that was promised by the terms of reference. There has not been a DFO representative at the IAMC meetings for months, but someone been there, they would have heard me point out that based on the definitions of the TOR, activities within the pipeline corridor by TransMountain are explicitly mentioned whether it is on the expansion or not. The NEB has failed Indigenous communities multiple times in this space, as they have tried to pretend the IAMC only has a role as it relates to the TMX project, while the TOR for the IAMC are broader than simply the TMX project. The only question is now is how egregiously they have failed.

On Wed, Jan 30, 2019 at 1:50 PM: [REDACTED] wrote:

Thank you Tracey.

Please keep us posted.

I understand that DFO was not engaged in this file due to the existing regulatory framework (i.e. MOU with NEB and Fisheries Act 2012), not because this was an omission – i.e. The NEB presumed there would be no significant adverse effects to fisheries in the work and now TMC is advising DFO because habitat impacts have occurred. Presumably TMC would not have been expected to contact DFO prior to Jan. 28, 2019 or when they noted the impacts, right?

Kind regards,

[REDACTED]

s.19(1)

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: January 30, 2019 9:26 AM

To:

Cc: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Please see below for Fisheries and Oceans Canada's (DFO) follow-up in relation to the Stewart Slough incident report:

- On January 28, 2019, DFO received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstances around the reported incident.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals regarding the works, undertakings or activities at Stewart Slough.
- DFO will conduct a site visit to Stewart Slough in the coming days to assess potential effects to fish and fish habitat from the maintenance works conducted.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement

Fisheries Protection Program
Ecosystem Management Branch

Fisheries and Oceans Canada / Government of Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches

Direction des ecosystems

Pêches et Océans Canada / Gouvernement du Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

s.19(1)

From: Sandgathe, Tracey L

Sent: January-28-19 11:49 AM

To: [REDACTED] Bonamis, Alston

Subject: Re: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

We will do so, thank you [REDACTED]

Tracey Sandgathe, B.A., LL.B., LL.M.

A/Director, TMX Review and Engagement

Fisheries Protection Program

Ecosystem Management Branch

Fisheries and Oceans Canada

Government of Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches

Direction des ecosystems

Pêches et Océans Canada / Gouvernement du Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: [REDACTED]

Date: 2019-01-28 10:00 AM (GMT-08:00)

To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>, [REDACTED]
[REDACTED] "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>

s.19(1)

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Thanks Tracey.

Alston – If you're able to summarize and share any information about DFO's role / inspections in this work, that would be great.

Kind regards,

[REDACTED]

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: January 28, 2019 6:33 AM

To: [REDACTED]
[REDACTED] Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Thank you [REDACTED] We are aware of the matter. We appreciate you contacting us.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

s.19(1)

From: [REDACTED]
Sent: January 27, 2019 9:16 PM
To: [REDACTED] Bonamis, Alston; Sandgathe, Tracey L
Subject: Fwd: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Copying DFO in case this falls under your jurisdiction (or possibly BCOGC)?

Please see below. Thanks,

Begin forwarded message:

From: [REDACTED]
Date: January 27, 2019 at 8:05:36 PM PST
To: "Brian.Chambers@neb-one.gc.ca" <Brian.Chambers@neb-one.gc.ca>, "Chris.Loewen@neb-one.gc.ca" <Chris.Loewen@neb-one.gc.ca>, "Margaret.McQuiston@neb-one.gc.ca" <Margaret.McQuiston@neb-one.gc.ca>, [REDACTED] Naina Sloan <naina.sloan@canada.ca>,
Subject: Fwd: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Brian,

Please see link below.

I don't believe there was any formal correspondence with the IAMC (or our Monitoring Team) on TMC's operations work in Chilliwack last year (see below). This would have been a good site to visit for our monitoring team.

Can your team provide us with additional details about the work and any inspections the NEB
or others have done.

Please keep [redacted] and I posted on all future operations activities (particularly those that require
ground/watercourse disturbance).

s.19(1)

Kind regards,

[redacted]
[redacted]

Begin forwarded message:

From: [redacted]
Date: January 27, 2019 at 9:13:53 AM PST
To: [redacted]
Subject: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

fyi

<https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

[redacted]

Sandgathe, Tracey L

From: Malikian, Janine
Sent: Thursday, January 31, 2019 10:34 AM
To: Sandgathe, Tracey L; Bonamis, Alston
Subject: Trans Mountain pipeline at Stewart Slough - regionally approved Media Lines
Attachments: ML_TM-StewartSlough-habitat.docx

Hi Tracey and Alston,

FYI, here are the regionally approved lines. I just updated one line to indicate that a DFO visit to the site has taken place – this was in the ROCS update.

Cheers,

Janine

DRAFT

Media Lines

Potential damage to fish habitat from work on existing Trans Mountain Pipeline at Stewart Slough

Issue:

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report related to works conducted by Trans Mountain Pipeline ULC on the existing pipeline at Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. In a Canadian Press article, a biologist is claiming that the work has destroyed salmon habitat. The article states that Trans Mountain ULC submitted plans to the National Energy Board to cover exposed pipe in the Fraser Valley creek by placing concrete mats in the channel upstream and downstream of the exposed line, and covering it with small stones. The biologist says photos of the crossing show most of the stones have been swept away by currents, leaving the concrete blocks exposed and degrading the habitat. Since the existing Trans Mountain pipeline is associated with the high-profile Trans Mountain Pipeline Expansion Project, the article is garnering attention, and could elicit media requests.

Canadian Press article for reference:

<https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Media lines:

- On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough.
- DFO is currently following up with the complainant and Trans Mountain Pipeline ULC (the Proponent) to better understand the circumstances around the reported incident.
- DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works.

DRAFT

- The National Energy Board and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required.
- DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act* and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.
- DFO did not receive any applications from the Proponent or referrals regarding these works, undertakings or activities at Stewart Slough.
- Works conducted on the existing pipeline at Stewart Slough in Chilliwack, B.C. are not part of the Trans Mountain Pipeline Expansion Project.

Program Contact: Alston Bonamis, Fisheries Protection Program, 604-340-3359

Communications Contact: Janine Malikian, Pacific Region Communications, 604-666-6766

Approved by: Sarah Murdoch (ARDG), Louise Girouard, Cheryl Webb, Tracey Sandgathe

Gordanian, Tania

From: Hawkins, Russell
Sent: Monday, February 4, 2019 12:51 PM
To: Villeneuve, Anne-Marie
Cc: Dieudonné, Rile; Nguyen, Anthony; Gordanian, Tania; Crance, Colin; Marquis, Hélène; Vallières, Jean
Subject: FW: Updated notes
Attachments: Trans Mountain Expansion - Feb 4.docx

Please accept this approved input. Thank you.

From: Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Sent: Monday, February 4, 2019 12:50 PM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Hawkins, Russell <Russell.Hawkins@dfo-mpo.gc.ca>
Cc: Gordanian, Tania <Tania.Gordanian@dfo-mpo.gc.ca>
Subject: RE: Updated notes

Approved.

Merci!

De : Crance, Colin
Envoyé : 4 février 2019 12:47
À : Hawkins, Russell <Russell.Hawkins@dfo-mpo.gc.ca>
Cc : Gordanian, Tania <Tania.Gordanian@dfo-mpo.gc.ca>; Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Objet : RE: Updated notes
Importance : Haute

Please see suggested revisions to the QP. This was done in track changes, but not sure they are showing up. There is a line where changes were made.

Thanks.
Colin

From: Hawkins, Russell <Russell.Hawkins@dfo-mpo.gc.ca>
Sent: Monday, February 4, 2019 12:04 PM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Cc: Gordanian, Tania <Tania.Gordanian@dfo-mpo.gc.ca>; Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Subject: FW: Updated notes
Importance: High

Hi Colin,

Could you please review this QP for 12:30 if possible. Thank you.

Russell

From: Dieudonné, Rilene <Rilene.Dieudonne@dfo-mpo.gc.ca>
Sent: Monday, February 4, 2019 11:56 AM
To: Hawkins, Russell <Russell.Hawkins@dfo-mpo.gc.ca>
Cc: Vallieres, Jean <Jean.Vallieres@dfo-mpo.gc.ca>; Nguyen, Anthony <Anthony.Nguyen@dfo-mpo.gc.ca>
Subject: FW: Updated notes
Importance: High

Please review the attached QP on TMX. **DUE DGO AT12:30**

Thanks,

Rilene

From: Villeneuve, Anne-Marie <Anne-Marie.Villeneuve@dfo-mpo.gc.ca>
Sent: February-04-19 11:51 AM
To: Ramgulam, Jim <Jim.Ramgulam@dfo-mpo.gc.ca>; Dieudonné, Rilene <Rilene.Dieudonne@dfo-mpo.gc.ca>
Cc: Oceans 200 Kent / Océans 200 Kent (DFO/MPO) <DFO.Oceans200Kent-Oceans200Kent.MPO@dfo-mpo.gc.ca>;
Nguyen, Anthony <Anthony.Nguyen@dfo-mpo.gc.ca>
Subject: FW: Updated notes
Importance: High

Hi,
MINO made changes to these note, if your sector has any issues please let me know asap.
thanks

Anne-Marie Villeneuve
Manager, Correspondence and Briefing/
Gestionnaire, Services de correspondance et des affaires
Aquatic Ecosystems Sector/Secteur des écosystèmes aquatiques
Fisheries and Oceans Canada/Pêches et océans Canada
200 Kent Street – 10th Floor/ 200, rue Kent – 10ième étage
Ottawa, ON K1A 0E6
Tel:613-990-7063
Anne-Marie.villeneuve@dfo-mpo.gc.ca

From: Denis, Joanne
Sent: 2019-February-04 11:42 AM
To: Villeneuve, Anne-Marie
Cc: Richter, Julie
Subject: Updated notes

Anne-Marie,

MINO made changes to these note, if your sector has any issues please let me know asap

Merci
Joanne

Joanne Denis

Parliamentary Affairs Analyst, Legislation and Parliamentary Affairs
Fisheries and Oceans Canada/ Government of Canada
joanne.denis@dfo-mpo.gc.ca / Tel: 613-996-0552 – Cel: [REDACTED]

Analyste des Affaires parlementaire, affaires législatives et affaires parlementaires
Pêches et Océans Canada/ Gouvernement du Canada
joanne.denis@dfo-mpo.gc.ca / Tél: 613-996-0552 – Cellulaire: [REDACTED]

s.16(2)

Department of Fisheries & Oceans

Book

Minister's Question Period

TRANS MOUNTAIN EXPANSION PROJECT

- Ensuring the protection of Canada's oceans and the sustainability of marine life are key priorities for our government. Our government is committed to moving forward the right way on this project.
- Fisheries and Oceans Canada, including the Canadian Coast Guard, participated in the National Energy Board reconsideration hearing and provided evidence related to aquatic species at risk and marine spill response.
- ~~We must move forward in the right way and we will~~ continue to ensure meaningful consultation with Indigenous people and stakeholders, as well as continue our work to ensure that fish, marine mammals, and their habitats are protected.

SOUTHERN RESIDENT KILLER WHALE

- Our government is committed to the protection of Canada's resident killer whales and to the recovery of these populations.
- Our Government is working in partnership with Indigenous peoples, key stakeholders, international partners and the province of British Columbia on immediate actions to reduce the impact of marine shipping and assist in the recovery of the southern resident killer whale.

Department of Fisheries & Oceans

Book

Minister's Question Period

NON-COMPLIANCE WITH FISHERIES ACT AUTHORIZATION

- We take any issues of non-compliance very seriously.
 - In advance of the Federal Court of Appeal decision, we were working very closely with Trans Mountain to address matters of non-compliance with the Fisheries Act authorization for the Westridge Marine Terminal. Trans Mountain has taken steps to address incidents of non-compliance.
 - All non-compliance and monitoring reports were shared with the Indigenous Advisory and Monitoring Committee.
-

CALL FOR MORATORIUM

- Our government know that the environment and our economy must go hand in hand. That is why we are taking action to protect biodiversity while ensuring we move forward the right way when it comes to economic developments.
- My Department is actively participating in the environmental assessment for the Roberts Bank Terminal 2 project and continues to provide advice to the Review Panel based on the best available scientific information.
- We will continue to consult with Indigenous groups and all stakeholders to ensure for the protection and conservation of our marine environment

Department of Fisheries & Oceans

Book

Minister's Question Period

STEWART CREEK-SLOUGH CROSSING

- Our Government is committed to the protection of biodiversity.
- We are aware of the recent reports related to the Stewart Creek Slough Crossing.
- This work was done in relation to maintenance on the existing pipeline and was undertaken to protect it from erosion.
- We do, of course, look at any issues relating to fish habitat.
- DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on visual inspection and available information, DFO is not contemplating further action at this time.
- We continue to make significant investments to protect our fish stocks and fish habitat, which is why last Fall, we announced the creation of the BC Salmon Restoration and Innovation Fund (BCSRIF), an investment of over \$100 M.
- Our government will continue to work in consultation with coastal communities, environmental and industry stakeholders and Indigenous groups on implementing measures for the continued protection of our biodiversity.

Formatted: Font: Trebuchet MS, 16 pt, English (United States)

Formatted: Highlight

Department of Fisheries & Oceans

Book

Minister's Question Period

PROJET D'AGRANDISSEMENT DU RÉSEAU DE TRANS MOUNTAIN

- Assurer la protection des océans du Canada et la durabilité de la vie marine sont des priorités clés pour notre gouvernement. Notre gouvernement est déterminé à aller de l'avant dans ce projet.
 - Pêches et Océans Canada, y compris la Garde côtière canadienne, a participé à l'audience de réexamen de l'Office national de l'énergie et a fourni des preuves relatives aux espèces aquatiques en péril et aux interventions en cas de déversement en milieu marin.
 - Nous devons aller de l'avant dans la bonne direction et nous veillerons à ce qu'il y ait des consultations significatives avec les peuples autochtones et les intervenants, ainsi qu'à ce que nous poursuivions nos efforts pour protéger les poissons, les mammifères marins et leurs habitats.
-

ÉPAULARDS RÉSIDENTS DU SUD

- Notre gouvernement s'est engagé à protéger les épaulards résidents au Canada et à assurer le rétablissement de leurs populations.
 - Notre gouvernement travaille en partenariat avec les peuples autochtones, les intervenants principaux, les partenaires internationaux et la province de la Colombie-Britannique sur les mesures immédiates visant à réduire l'impact du transport maritime et à aider au rétablissement de l'épaulard résident du sud.
-

Department of Fisheries & Oceans

Book

Minister's Question Period

**NON-CONFORMITÉ À L'AUTORISATION ÉMISE EN VERTU DE LA LOI SUR LES
PÊCHES**

- Nous prenons très au sérieux tout problème de non-conformité.
 - Avant que la Cour d'appel fédérale prenne sa décision, nous travaillons en très étroite collaboration avec Trans Mountain pour régler les questions de non-conformité à l'autorisation émise en vertu de la Loi sur les pêches, pour le terminal portuaire Westridge. Trans Mountain a pris des mesures pour corriger les incidents de non-conformité.
 - Tous les rapports de non-conformité et de suivi ont été communiqués au Comité consultatif et de suivi autochtone.
-

DEMANDE DE MORATOIRE

- Notre gouvernement croit qu'une économie forte et un environnement sain vont de pair. C'est pourquoi nous prenons des mesures pour protéger la biodiversité tout en veillant à ce que nous allons de l'avant de la bonne manière quand il s'agit de développements économiques.
 - Mon Ministère participe activement à l'évaluation environnementale du projet du terminal 2 de la Banque Roberts et continue de fournir des conseils à la Commission d'examen en se fondant sur les meilleures informations scientifiques disponibles.
 - Nous continuerons de consulter les groupes autochtones et toutes les parties prenantes pour assurer la protection et la conservation de notre environnement marin.
-

Department of Fisheries & Oceans

Book

Minister's Question Period

CROISEMENT DE STEWART CREEK

- Notre gouvernement reste engagé dans la protection de la biodiversité.
- Nous sommes au courant des récents rapports liés au croisement de Stewart Creek.
- Ces travaux ont été effectués dans le cadre de la maintenance du pipeline existant et ont été entrepris pour le protéger de l'érosion.
- Nous prenons en compte, bien sûr, tous les enjeux en ce qui concerne les habitats de poissons.
- Nous continuons d'investir considérablement dans la protection de nos stocks de poisson et de son habitat. C'est pourquoi, l'automne dernier, nous avons annoncé la création du Fonds pour la restauration et l'innovation du saumon de la Colombie-Britannique.
- Notre gouvernement continuera de travailler en consultation avec les communautés côtières, les intervenants de l'environnement et de l'industrie et les groupes autochtones à la mise en œuvre de mesures pour la protection continue de notre biodiversité.

Department of Fisheries & Oceans

Book

Minister's Question Period

BACKGROUND

- The Trans Mountain Expansion Project (TMX) would expand the existing Trans Mountain pipeline system between Edmonton, AB and Burnaby, BC. It includes approximately 987 km of new pipeline, new and modified facilities, such as pump stations and tanks, and the reactivation of 193 km of existing pipeline. The Project includes an expansion of the Westridge Marine Terminal to accommodate 34 tankers per month, up from the 5 that are currently loaded at the existing terminal.
- On November 29, 2016, the Governor in Council (GIC) approved TMX and issued an Order in Council approving the Project subject to 157 conditions identified by the National Energy Board (NEB).
- In its review of the Project, the NEB found that there would be significant adverse effects related to increases in marine shipping assessed under the *National Energy Board Act* with respect to the Southern Resident Killer Whale (SRKW), Indigenous cultural use associated with the SRKW and direct greenhouse gas emissions from marine vessels.
- DFO was an intervenor in the NEB review and provided specialist and expert information for the construction and operation of the marine terminal, including potential impacts from increased marine shipping.
- On September 8, 2017, DFO issued the *Fisheries Act* authorization for construction of the marine terminal expansion. Although local Indigenous groups opposed the terminal expansion, a judicial review of the authorization was not filed.
- The NEB is responsible for reviewing proposed works, undertakings and activities at TMX watercourse crossings pursuant to a Memorandum of Understanding between DFO and the NEB on the cooperation and administration of the *Fisheries Act* and the *Species at Risk Act*.
- On May 29, 2018, the Government of Canada announced that it would buy the Trans Mountain pipeline and infrastructure related to the expansion project for \$4.5 billion. The sale is not anticipated to change the role of DFO in relation to the project.
- On August 30, 2018, the Federal Court of Appeal quashed the Governor in Council decision to approve the TMX Project. The Court found that Canada failed to fulfil the legal duty to consult Indigenous peoples but also that the NEB unjustifiably excluded project-related marine shipping in its review under the *Canadian Environmental Assessment Act*, 2012.
- In advance of the Federal Court of Appeal decision, DFO had been working closely with the NEB on watercourse crossings where the NEB is of the view that works, undertakings or activities may cause *serious harm to fish*. Under the terms of our MOU, DFO remains responsible for issuing any authorizations under the *Fisheries Act*.
- In approving the project, the Government of Canada committed to more than mitigate the impact of additional TMX marine traffic (i.e. underwater vessel noise) before the project begins. DFO and Transport Canada have been working on the review and assessment of measures, including approaches proponents could take to be more active in the direct mitigation of underwater noise from project-related vessel traffic.
- On September 26, 2018, the NEB commenced a Reconsideration hearing to address marine shipping concerns raised in the Federal Court of Appeal decision. Fisheries and Oceans Canada, including the Canadian Coast Guard, is an intervenor in the reconsideration process and provided expert specialist advice to the NEB related to its mandate, including aquatic species at risk and marine spill response. The Department

Department of Fisheries & Oceans

Book

Minister's Question Period

responded to numerous requests for information from the NEB and other hearing participants throughout the hearing.

- The NEB has until February 22, 2018 to produce its final report and recommendation to the Governor in Council. The Indigenous consultation component has been reinitiated by the Crown led by the Major Projects Management Office. DFO is a key participant in both the NEB technical review and the Indigenous consultation component.

Crance, Colin

From: Crance, Colin
Sent: Thursday, February 7, 2019 12:21 PM
To: Sandgathe, Tracey L; Bonamis, Alston s.16(2)
Subject: RE: TMX Weekly Update - Stewart Slough s.21(1)(b)

[REDACTED] I see that Alston responded which is great. Hopefully that takes care of it.

[REDACTED]

Thanks.
Colin

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Thursday, February 7, 2019 12:12 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Subject: FW: TMX Weekly Update - Stewart Slough

Can you please discuss.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Sent: February-07-19 8:44 AM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: FW: TMX Weekly Update - Stewart Slough

Hi Tracey – Could you please confirm before I respond to Meagan. I do not know if you were eventually able to reach the NEB about Stewart Slough or if the site visit was coordinated, etc. [REDACTED]

[REDACTED]

Call if you would like to discuss. [REDACTED]

[REDACTED]

Thanks.
Colin

Hi Meagan – Here are some additional details to assist in understanding DFO's role.

- The DFO-NEB MOU applies to O&M activities for the existing pipeline.
- It is DFO's understanding from follow-up with Trans Mountain that an O&M Notification was filed with the NEB regarding these works.
- DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough.
- DFO attempted to contact the NEB in relation to this work; however
- DFO remains responsible for the conservation and protection of fish and fish habitat, and listed aquatic species at risk and their critical habitat, in accordance with DFO's regulatory and policy frameworks.
- DFO reserves the right to monitor and conduct site visits on the NEB-regulated project sites. In the spirit of cooperation, DFO coordinates site visits with the NEB to the extent possible.

As the work is in relation to the existing pipeline, I recommend checking with the NEB as to how they document O&M and compliance activities.

From: Wiersema, Meagan (NRCAN/RNCAN) <meagan.wiersema@canada.ca>
Sent: Thursday, February 7, 2019 10:41 AM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Cc: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: TMX Weekly Update - Stewart Slough

Hi Colin,

Thank you for the update. I will ensure that its been incorporated into the weekly update.

As a brief follow up question, has any of this correspondence been recorded through the National Energy Board site? Or in collaboration with the National Energy Board? Or has it largely been bilateral discussions between DFO and TMC?

Best,

Meagan

From: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>
Sent: 7-Feb-19 10:37 AM
To: Wiersema, Meagan (NRCAN/RNCAN) <meagan.wiersema@canada.ca>
Subject: FW: TMX Weekly Update - Stewart Slough

From: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Sent: February 7, 2019 9:59 AM
To: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: TMX Weekly Update - Stewart Slough

Hi Burgess,

Thanks for providing the weekly update. Below is an update with respect to DFO activities concerning the issue at Stewart Slough (it is actually a slough, not a creek as reported in the media). We would appreciate if you could incorporate into the next update.

DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted (and later reported by media outlets). Based on visual inspection and available information, DFO is not contemplating further action at this time. However, DFO has followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain has committed to providing a follow-up response by February 11, 2019.

If you have any questions, please let me know.

Thanks.
Colin

Colin Crance
Coordinator – Major Projects | Coordonnateur des grands projets
Fisheries Protection Program | Programme de protection des pêches
Fisheries and Oceans Canada | Pêches et Océans Canada
10N163 - 200 rue Kent Street, Ottawa, Ontario, K1A0E6
colin.crance@dfo-mpo.gc.ca
Telephone: 613-762-7270

From: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>

Sent: Tuesday, February 5, 2019 8:38 AM

To: adele.cooper@tc.gc.ca; Taylor, Alexandra (PC) <alexandra.taylor@canada.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>; McCracken, Andrée (NRCAN/RNCAN) <andree.mccracken@canada.ca>; Classen, Anna (NRCAN/RNCAN) <anna.classen@canada.ca>; Bazinet, Lianne (NRCAN/RNCAN) <lianne.bazinet@canada.ca>; benoit.giroux@tc.gc.ca; Bowerman, Michelle (EC) <michelle.bowerman@canada.ca>; Cheung, Audrey (NRCAN/RNCAN) <audrey.cheung@canada.ca>; Logue, Elizabeth (AADNC/AANDC) <elizabeth.logue@canada.ca>; Jutzi, Christina <Christina.Jutzi@dfo-mpo.gc.ca>; Coulson, Jessica (NRCAN/RNCAN) <jessica.coulson@canada.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Heap, David <David.Heap@dfo-mpo.gc.ca>; Dayna.Anderson@justice.gc.ca; de la Mothe, Michael (FIN) <michael.delamothe@canada.ca>; Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Norris, Ann-Marie (HC/SC) <ann-marie.norris@canada.ca>; Antill, Herbert (HC/SC) <herbert.antill@canada.ca>; Ian.Chatwell@tc.gc.ca; Hum, Patrick (IC) <patrick.hum@canada.ca>; Jongejan, Dayna (AADNC/AANDC) <dayna.jongejan@canada.ca>; James.Kappel@tc.gc.ca; Mah, Jordan <Jordan.Mah@dfo-mpo.gc.ca>; Bowie, Joshua (IC) <joshua.bowie@canada.ca>; D'Costa, Julia <Julia.D'costa@dfo-mpo.gc.ca>; Cumming, Katherine (PC) <katherine.cumming@canada.ca>; Buset, Kathleen (HC/SC) <kathleen.buset@canada.ca>; Kimberley.Zinck@pco-bcp.gc.ca; Webster-Gibson, Lisa <Lisa.Webster-Gibson@dfo-mpo.gc.ca>; Lukey, Lucille (HC/SC) <lucille.lukey@canada.ca>; Masters, Megan (NRCAN/RNCAN) <megan.masters@canada.ca>; Wiens, Mathew (AADNC/AANDC) <mathew.wiens@canada.ca>; McPherson, Kathy (NRCAN/RNCAN) <kathy.mcpherson@canada.ca>; Casavant, Michelle (AADNC/AANDC) <michelle.casavant@canada.ca>; Sidarous, Mona (EC) <mona.sidarous@canada.ca>; Matthews, Pamela <Pamela.Matthews@dfo-mpo.gc.ca>; Groulx, Pascale <Pascale.Groulx@dfo-mpo.gc.ca>; Pharand, Carolyn (NRCAN/RNCAN) <carolyn.pharand@canada.ca>; Miles, Phoebe (NRCAN/RNCAN) <phoebe.miles@canada.ca>; Pol, Karolina (NRCAN/RNCAN) <karolina.pol@canada.ca>; Pratt, John (NRCAN/RNCAN) <john.pratt@canada.ca>; Patel, Ravi (EC) <ravi.patel@canada.ca>; Clavering, Robert (EC) <robert.clavering@canada.ca>; Russell, David (AADNC/AANDC) <david.russell@canada.ca>; Eisleb-Taylor, Samantha (NRCAN/RNCAN) <samantha.eisleb-taylor@canada.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>;

Guild, Sara (NRCAN/RNCAN) <sara.guild@canada.ca>; Sarah.Bird@justice.gc.ca; Olivier, Sarah (CEAA/ACEE)
<sarah.olivier@canada.ca>; Stapleton, Peter <Peter.Stapleton@dfo-mpo.gc.ca>; Lamoureux, Stéphane (NRCAN/RNCAN)
<stephane.lamoureux@canada.ca>; Chapman, Steve (CEAA/ACEE) <steve.chapman@canada.ca>; Groenewoud, Taylor
(EC) <taylor.groenewoud@canada.ca>; catherine.galbrand@tc.gc.ca; dominic.cliche@tc.gc.ca; ronald.hall@tc.gc.ca;
sara.burton@tc.gc.ca; Whiteside2, Joseph (AADNC/AANDC) <joseph.whiteside2@canada.ca>; Langshaw Power, Burgess
(NRCAN/RNCAN) <burgess.langshawpower@canada.ca>

Subject: TMX Weekly Update

Good morning everyone,

Please find this weeks TMX weekly update attached. If you have any questions or concerns, please let me know.
Otherwise we will have an opportunity to discuss at this week's FRT Update call (Thursday).

Thanks,

Burgess Langshaw Power

Policy Analyst | Analyste des Politiques
Major Projects Management Office | Bureau de Gestion des Grands Projets
Natural Resources Canada | Ressources Naturelles Canada
Burgess.langshawpower@canada.ca | 343-549-1148

Sandgathe, Tracey L

From: Sandgathe, Tracey L
Sent: Thursday, February 7, 2019 6:03 AM
To: Cheung, Alice
Subject: ROCs

Importance: High

s.16(2)

Alice, is it too late to include this in ROCs?

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident following a report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the site visit, DFO determined that no follow-up compliance action was necessary. However, DFO has followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain has committed to providing a follow-up response by February 11, 2019.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sandgathe, Tracey L

From: Bonamis, Alston
Sent: Thursday, February 7, 2019 8:58 AM
To: Wiersema, Meagan (NRCAN/RNCAN); Crance, Colin
Cc: Langshaw Power, Burgess (NRCAN/RNCAN); Sandgathe, Tracey L
Subject: RE: TMX Weekly Update - Stewart Slough

Hello Megan,

In regard to your follow-up question, correspondence between Trans Mountain and DFO in relation to the maintenance works at Stewart Slough has not been recorded on the NEB Registry. The discussions have been bilateral between DFO and Trans Mountain, although the NEB has been copied on all correspondence.

The maintenance works at Stewart Slough occurred on the existing Trans Mountain Pipeline, not the proposed pipeline currently being assessed by the NEB. As such, it does not seem pertinent to include this information on the NEB registry.

Cheers,
Alston

From: Wiersema, Meagan (NRCAN/RNCAN) <meagan.wiersema@canada.ca>
Sent: Thursday, February 7, 2019 7:41 AM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Cc: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: TMX Weekly Update - Stewart Slough

Hi Colin,

Thank you for the update. I will ensure that its been incorporated into the weekly update.

As a brief follow up question, has any of this correspondence been recorded through the National Energy Board site? Or in collaboration with the National Energy Board? Or has it largely been bilateral discussions between DFO and TMC?

Best,

Meagan

From: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>
Sent: 7-Feb-19 10:37 AM
To: Wiersema, Meagan (NRCAN/RNCAN) <meagan.wiersema@canada.ca>
Subject: FW: TMX Weekly Update - Stewart Slough

From: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Sent: February 7, 2019 9:59 AM
To: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>

Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: TMX Weekly Update - Stewart Slough

Hi Burgess,

Thanks for providing the weekly update. Below is an update with respect to DFO activities concerning the issue at Stewart Slough (it is actually a slough, not a creek as reported in the media). We would appreciate if you could incorporate into the next update.

DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted (and later reported by media outlets). Based on visual inspection and available information, DFO is not contemplating further action at this time. However, DFO has followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain has committed to providing a follow-up response by February 11, 2019.

If you have any questions, please let me know.

Thanks.
Colin

Colin Crance
Coordinator – Major Projects | Coordonnateur des grands projets
Fisheries Protection Program | Programme de protection des pêches
Fisheries and Oceans Canada | Pêches et Océans Canada
10N163 - 200 rue Kent Street, Ottawa, Ontario, K1A0E6
colin.crance@dfo-mpo.gc.ca
Telephone: 613-762-7270

From: Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>
Sent: Tuesday, February 5, 2019 8:38 AM
To: adele.cooper@tc.gc.ca; Taylor, Alexandra (PC) <alexandra.taylor@canada.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>; McCracken, Andrée (NRCAN/RNCAN) <andree.mccracken@canada.ca>; Classen, Anna (NRCAN/RNCAN) <anna.classen@canada.ca>; Bazinet, Lianne (NRCAN/RNCAN) <lianne.bazinet@canada.ca>; benoit.giroux@tc.gc.ca; Bowerman, Michelle (EC) <michelle.bowerman@canada.ca>; Cheung, Audrey (NRCAN/RNCAN) <audrey.cheung@canada.ca>; Logue, Elizabeth (AADNC/AANDC) <elizabeth.logue@canada.ca>; Jutzi, Christina <Christina.Jutzi@dfo-mpo.gc.ca>; Coulson, Jessica (NRCAN/RNCAN) <jessica.coulson@canada.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Heap, David <David.Heap@dfo-mpo.gc.ca>; Dayna.Anderson@justice.gc.ca; de la Mothe, Michael (FIN) <michael.delamothe@canada.ca>; Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Norris, Ann-Marie (HC/SC) <ann-marie.norris@canada.ca>; Antill, Herbert (HC/SC) <herbert.antill@canada.ca>; lan.Chatwell@tc.gc.ca; Hum, Patrick (IC) <patrick.hum@canada.ca>; Jongejan, Dayna (AADNC/AANDC) <dayna.jongejan@canada.ca>; James.Kappel@tc.gc.ca; Mah, Jordan <Jordan.Mah@dfo-mpo.gc.ca>; Bowie, Joshua (IC) <joshua.bowie@canada.ca>; D'Costa, Julia <Julia.D'costa@dfo-mpo.gc.ca>; Cumming, Katherine (PC) <katherine.cumming@canada.ca>; Buset, Kathleen (HC/SC) <kathleen.buset@canada.ca>; Kimberley.Zinck@pco-bcp.gc.ca; Webster-Gibson, Lisa <Lisa.Webster-Gibson@dfo-mpo.gc.ca>; Lukey, Lucille (HC/SC) <lucille.lukey@canada.ca>; Masters, Megan (NRCAN/RNCAN) <megan.masters@canada.ca>; Wiens, Mathew (AADNC/AANDC) <mathew.wiens@canada.ca>; McPherson, Kathy (NRCAN/RNCAN) <kathy.mcpherson@canada.ca>; Casavant, Michelle (AADNC/AANDC) <michelle.casavant@canada.ca>; Sidarous, Mona (EC) <mona.sidarous@canada.ca>; Matthews, Pamela <Pamela.Matthews@dfo-mpo.gc.ca>; Groulx,

Pascale <Pascale.Groulx@dfo-mpo.gc.ca>; Pharand, Carolyn (NRCAN/RNCAN) <carolyn.pharand@canada.ca>; Miles, Phoebe (NRCAN/RNCAN) <phoebe.miles@canada.ca>; Pol, Karolina (NRCAN/RNCAN) <karolina.pol@canada.ca>; Pratt, John (NRCAN/RNCAN) <john.pratt@canada.ca>; Patel, Ravi (EC) <ravi.patel@canada.ca>; Clavering, Robert (EC) <robert.clavering@canada.ca>; Russell, David (AADNC/AANDC) <david.russell@canada.ca>; Eisleb-Taylor, Samantha (NRCAN/RNCAN) <samantha.eisleb-taylor@canada.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Guild, Sara (NRCAN/RNCAN) <sara.guild@canada.ca>; Sarah.Bird@justice.gc.ca; Olivier, Sarah (CEAA/ACEE) <sarah.olivier@canada.ca>; Stapleton, Peter <Peter.Stapleton@dfo-mpo.gc.ca>; Lamoureux, Stéphane (NRCAN/RNCAN) <stephane.lamoureux@canada.ca>; Chapman, Steve (CEAA/ACEE) <steve.chapman@canada.ca>; Groenewoud, Taylor (EC) <taylor.groenewoud@canada.ca>; catherine.galbrand@tc.gc.ca; dominic.cliche@tc.gc.ca; ronald.hall@tc.gc.ca; sara.burton@tc.gc.ca; Whiteside2, Joseph (AADNC/AANDC) <joseph.whiteside2@canada.ca>; Langshaw Power, Burgess (NRCAN/RNCAN) <burgess.langshawpower@canada.ca>

Subject: TMX Weekly Update

Good morning everyone,

Please find this weeks TMX weekly update attached. If you have any questions or concerns, please let me know. Otherwise we will have an opportunity to discuss at this week's FRT Update call (Thursday).

Thanks,

Burgess Langshaw Power

Policy Analyst | Analyste des Politiques

Major Projects Management Office | Bureau de Gestion des Grands Projets

Natural Resources Canada | Ressources Naturelles Canada

Burgess.langshawpower@canada.ca | 343-549-1148

Crance, Colin

From: Marquis, Hélène
Sent: Friday, February 8, 2019 5:37 PM
To: Winfield, Nicholas
Cc: Crance, Colin
Subject: TR: Pacific/ MINO Call (Weekly)

FYI

De : Crance, Colin
Envoyé : 8 février 2019 17:34
À : Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc : Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Objet : RE: Pacific/ MINO Call (Weekly)

Thanks for the quick reply, Evan.

Our messages on the situation went in briefings to the DM through the weekly update. The DM may have shared with MINO, but we are not aware.

Have a good weekend.
Colin

From: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 5:21 PM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

Hi Colin,

I did provide the update – it was very brief. I explained:

- the reported incident
- that DFO biologists went on site two days later
- that based on DFO biologist observations, no serious harm to fish or fish habitat had occurred
- that although the habitat appeared functional, DFO has followed up with Trans Mountain to better understand the choices made with respect to fish habitat

The only question was whether or not a Note to the Minister had been sent about this issue. I indicated that, to my knowledge, one had not. However, this didn't appear to be a request. Do you know if one had been requested previously?

Evan

De : Marquis, Hélène
Envoyé : 8 février 2019 14:47
À : Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>
Objet : Re: Pacific/ MINO Call (Weekly)

We'll liaise with Pacific to get a debrief. [REDACTED]
TMX.

Envoyé de mon smartphone BlackBerry 10 sur le réseau Bell.

De: Winfield, Nicholas
Envoyé: vendredi 8 février 2019 1:34 PM
À: Marquis, Hélène
Objet: RE: Pacific/ MINO Call (Weekly)

s.19(1)

He can call in

From: Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 1:01 PM
To: Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

I will ask Colin.

De : Winfield, Nicholas
Envoyé : 8 février 2019 11:23
À : Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Objet : Fw: Pacific/ MINO Call (Weekly)

Would you like for Tania or Colin to attend?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Richter, Julie <Julie.Richter@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 11:21 AM
To: MacDonald, Jeff (NCR); Winfield, Nicholas
Subject: RE: Pacific/ MINO Call (Weekly)

Great. It does not necessarily need to be an EX. Just let me know who so we can get them added to the invitation list.

From: MacDonald, Jeff (NCR) <Jeffery.MacDonald@dfo-mpo.gc.ca>
Sent: February-08-19 10:16 AM
To: Richter, Julie <Julie.Richter@dfo-mpo.gc.ca>; Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

Thanks Julie. I will try and have someone attend.

It does overlap partially with the AE Extended management meeting.

Jeff MacDonald
Director General / Directeur général
Oceans Management Directorate / Direction de la gestion des Océans
Fisheries and Oceans Canada / Pêches et Océans Canada
200 Kent St., Office 10W088 / 200, rue Kent, bureau 10W088
Ottawa, ON K1A 0E6
Canada

☎ (613) 990-7556

jeffery.macdonald@dfo-mpo.gc.ca

s.16(2)

From: Richter, Julie
Sent: Friday, February 8, 2019 09:08
To: Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>; MacDonald, Jeff (NCR) <Jeffery.MacDonald@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

Hi Nick & Jeff,

The following items are on the agenda for Pacific's weekly MINO briefing this afternoon. If you would like to attend or send someone to attend, please let me know who and we will ask for them to send you the invitation. (Ingrid is attending for the aquaculture item already.)

- a. Trans Mountain Pipeline – Stewart Slough Crossing (Lead: Evan Henderson)
- b. North Coast Reconciliation Framework Agreement (Lead: Brigid Payne)

<< File: Pac-MINO Briefing Agenda Feb 8.docx >>

Julie

-----Original Appointment-----

From: Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca> **On Behalf Of** Departmental Assistant / Adjoint ministériel (DFO/MPO)

Sent: February-08-19 8:50 AM

To: O'Halloran, Mark; Murdoch, Sarah; Whorley, David; Kaba, Kyle; Girouard, Louise; Reid, Rebecca; Webb, Allison; Liu, Wen-Bey; Thomson, Andrew; Patrick, Lindsey; Burns, Adam; Nener, Jennifer; Jackson, Corey; Fogliato, Cara; Busby, Corina; Kotyk, Mel; Stadel, Angela; Anderson, Randi A; Choeurng, Stephanie; Des Rosiers, Marie-Pascale; Kropman, Alexann; Lacombe, Barry; Lubczuk, Jocelyn; McIntyre, Alexis; Mitchell, Laura; Mullan-Boudreau, Caitlin; O'Grady, Samantha; Simons, Fiona; Tran, Thi; Windsor, Victoria; Barker, Tyler; Bilmer, Angela; Butcher, Ashley; Cousineau, Cécile; Hill, Johanna; Hirani, Samia; Jarjour, Jasmine; Longtin, Jean; Proctor, Jody; Robinson, Connor; Nielsen, Ingrid; Morel, Philippe; Richter, Julie

Cc: Mahaux, Patrick; Collie, Tyler; Schenk, Ingrid; Norton, Brett; Henderson, Evan

Subject: Pacific/ MINO Call (Weekly)

When: February-08-19 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Minister's Boardroom

(Fiona) << File: Pac-MINO Briefing Agenda Feb 8.docx >>

Teleconference Information:

1-877-413-4790

ID: [REDACTED]

Henderson, Evan

From: Sandgathe, Tracey L
Sent: Friday, February 8, 2019 12:41
To: Henderson, Evan
Cc: Bonamis, Alston
Subject: Re: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

No note. And I don't think one is necessary, unless there is/was a request for one.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada
Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Henderson, Evan" <Evan.Henderson@dfo-mpo.gc.ca>
Date: 2019-02-08 11:31 AM (GMT-08:00)
To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

Hi Tracey,

The only follow-up from today's call is that MINO was wondering if there will be a Note to the Minister about this issue. I said that I would discuss with you – it didn't seem like they necessarily want one, just were wondering if one is on the way.

Evan

From: Henderson, Evan
Sent: Thursday, February 7, 2019 08:01
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

No problem Tracey!

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Thursday, February 7, 2019 06:11
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>
Cc: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: FW: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

s.21(1)(b)

Evan, we do need someone to speak to Stewart Slough at the MINO call. I have asked Kyle Kaba to send you an invite for the Friday call. Usually it takes place in the executive board room on 16. Kyle leads the call and will prompt you to provide a short, pithy update - you can communicate what is below. Then hold for questions. Ministerial staff may or may not ask questions (they will just be on the phone). I would expect this to go quite quickly. They sometime ask about other issues, but not often.

I do not expect they would ask anything about consultation/accommodation given they are deeply involved.

Thank you for agreeing to cover this Friday at 11.
Tracey

From: Bonamis, Alston
Sent: February 6, 2019 1:56 PM
To: Sandgathe, Tracey L
Subject: RE: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

As requested, see below for update to Stewart Slough portion of the ROCS Report

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident reffolport of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the site visit, DFO determined that no follow-up compliance action was necessary. However, DFO has followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain has committed to providing a follow-up response by February 11, 2019.

From: Sandgathe, Tracey L
Sent: Wednesday, February 06, 2019 12:20 PM
To: Bonamis, Alston
Subject: FW: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

Can you update the Stewart Slough section for tomorrow mid-day. Thanks

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

From: Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>
Sent: February-06-19 12:17 PM
To: Kaba, Kyle <Kyle.Kaba@dfo-mpo.gc.ca>; Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>; Masson, Colin <Colin.Masson@dfo-mpo.gc.ca>
Cc: Payne, Brigid <Brigid.Payne@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: RE: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

No concerns and yes, ask Tracey to speak to Stewart Slough. On the North Coast RFA, I think that that is more of an Oceans issues, which Brigid should speak to.

From: Kaba, Kyle
Sent: Wednesday, February 6, 2019 12:12 PM
To: Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>; Fanos, Brad <Brad.Fanos@dfo-mpo.gc.ca>; Masson, Colin <Colin.Masson@dfo-mpo.gc.ca>
Subject: Pac/MINO Call Feb 8: EMB and North Coast Agenda Items

Hi all – Our weekly Pac/MINO call was re-scheduled from this morning to Friday at 11am. With the re-scheduling, MINO has asked to add a few items to the agenda.

Cheryl/Brad – MINO shared the attached EOI regarding the Herling and Carey Islands, and have asked to include on the agenda. Have you seen this? Any concerns with adding to the agenda for Friday?

Cheryl – MINO has requested an update on the Trans Mountain Pipeline – Stewart Slough Crossing. Any concerns with adding this to the agenda? Should I reach out to Tracey for this or can you provide an update?

For reference, Rebecca provided the following as part of the weekly ROCS report to DMO/MINO:

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstance around the reported incident. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project. It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding

works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Media lines have been drafted. Colin – MINO has requested an update to the North Coast Reconciliation Framework Agreement. Any concerns with adding this to the agenda?

For reference, below was part of the weekly ROCS report from last week:

North Coast Reconciliation Framework Agreement

A Reconciliation Framework Agreement (RFA) was signed in June 2018 with thirteen North and Central Coast First Nations.

Thanks all!

s.21(1)(b)

Kyle Kaba

Team Leader, Regional Director General's Office
Fisheries and Oceans Canada/Government of Canada
Tel: 604-666-7102 Fax: 604-666-8956

From: Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca>

Sent: February-06-19 8:04 AM

To: Kaba, Kyle <Kyle.Kaba@dfo-mpo.gc.ca>

Cc: Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>

Subject: Pac Weekly

Good morning, Kyle.

The Pac call needed to be rescheduled today to accommodate a briefing with the Minister, my apologies for that. It's currently set for 11:00 Pacific on Friday, please let me know if that absolutely does not work and I'll see about finding another time that day.

Mino would like to add 2 items to the agenda, just for status updates. The first is the attached EOI related to Herling and Carey Island, and the second are updates on the Trans Mountain Pipeline – Stewart Slough Crossing, and North Coast Reconciliation Framework Agreement.

For your information, I'm scheduling a stand along briefing for Mino on all appointments as there are quite a few here that are outstanding. I think it makes sense to have some of the regions on the phone as well, but I'll know more later today.

Thanks, Johanna

Henderson, Evan

From: Bonamis, Alston
Sent: Friday, February 8, 2019 14:01
To: Malikian, Janine; Girdler, Lauren
Cc: Sandgathe, Tracey L; Henderson, Evan
Subject: RE: Stewart Creek inspection - Canadian Press request

s.19(1)

Thanks Janine, we will follow-up next week.

Alston

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 11:21 AM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: RE: Stewart Creek inspection - Canadian Press request

Hi Alston,

Reporter says OK to respond next week – didn't indicate deadline.

[REDACTED] My colleague Lauren, copied here, will cover for me,
and will follow up on the request with you. Lauren joined us recently, so your guidance is appreciated.

Please continue to copy me on messages during my absence.

Thanks,

Janine

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: February-07-19 4:10 PM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: RE: Stewart Creek inspection - Canadian Press request

Janine, would we be able to respond after **Feb 11th**? We will know more from the Proponent after that date.

Thanks,
Alston

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Thursday, February 7, 2019 2:31 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Stewart Creek inspection - Canadian Press request

Hi Alston,

We have received a media request from the Canadian Press about the Trans Mountain Pipeline crossing at Stewart Slough. I pulled bullets from our regionally approved lines (attached) to address some of the questions, but need some assistance or guidance for others.

I note that the original story about the issue was also a CP article: <https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Thanks,
Janine

s.19(1)

ISSUE: Canadian Press reporter [REDACTED] Says: I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

DEADLINE: No urgent deadline for this story but would appreciate a response as soon as you're able

PROPOSED RESPONSE:

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

DFO is currently following up with the complainant and Trans Mountain Pipeline ULC (the Proponent) to better understand the circumstances around the reported incident.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works.

The National Energy Board and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require Fisheries Act authorizations or Species at Risk Act permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the Fisheries Act or permits under the Species at Risk Act and undertaking any enforcement action that may be necessary in relation to non-compliance with the Fisheries Act or Species at Risk Act.

DFO did not receive any applications from the Proponent or referrals regarding these works, undertakings or activities at Stewart Slough.

4. Did you complete a report? May I have a copy?
5. Is the inspector who visited the site available to do an interview with me?

Janine Malikian

Communications Advisor | Conseillère en Communications
Fisheries and Oceans Canada | Government of Canada
Pêches et Océans Canada | Gouvernement du Canada
200-401 Burrard Street | Pièce 200 401, rue Burrard
Vancouver, BC V6C 3S4 | Vancouver, (C.-B.) V6C 3S4
Janine.Malikian@dfo-mpo.gc.ca

Tel/Tél: 604-666-6766 | Fax/Télécopieur: 604-666-1847

Follow us on Twitter! @DFO_Pacific / Suivez-nous sur Twitter! @MPO_Pacifique



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Henderson, Evan

From: Marquis, Hélène
Sent: Friday, February 8, 2019 14:36
To: Crance, Colin; Henderson, Evan; Sandgathe, Tracey L
Subject: RE: Pacific/ MINO Call (Weekly)

Merci!

De : Crance, Colin
Envoyé : 8 février 2019 17:34
À : Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc : Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Objet : RE: Pacific/ MINO Call (Weekly)

Thanks for the quick reply, Evan.

Our messages on the situation went in briefings to the DM through the weekly update. The DM may have shared with MINO, but we are not aware.

Have a good weekend.
Colin

From: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 5:21 PM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

Hi Colin,

I did provide the update – it was very brief. I explained:

- the reported incident
- that DFO biologists went on site two days later
- that based on DFO biologist observations, no serious harm to fish or fish habitat had occurred
- that although the habitat appeared functional, DFO has followed up with Trans Mountain to better understand the choices made with respect to fish habitat

The only question was whether or not a Note to the Minister had been sent about this issue. I indicated that, to my knowledge, one had not. However, this didn't appear to be a request. Do you know if one had been requested previously?

Evan

From: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 14:03
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: FW: Pacific/ MINO Call (Weekly)

Hi Evan – I understand you provided the MINO update on Stewart Slough. I did not attend as some wires were crossed here with the invite. Would you be able to provide me a couple bullets on the outcome, questions, etc.?

Thanks.
Colin

From: Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca> **s.19(1)**
Sent: Friday, February 8, 2019 4:43 PM
To: Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>
Subject: TR: Pacific/ MINO Call (Weekly)

FYI – please write a couple of bullets if you get a debrief from the region and if there is anything interesting to share...

Merci!

Hélène

De : Marquis, Hélène
Envoyé : 8 février 2019 14:47
À : Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>
Objet : Re: Pacific/ MINO Call (Weekly)

We'll liaise with Pacific to get a debrief. [REDACTED] we're a bit short on staff on TMX.

Envoyé de mon smartphone BlackBerry 10 sur le réseau Bell.

De: Winfield, Nicholas
Envoyé: vendredi 8 février 2019 1:34 PM
À: Marquis, Hélène
Objet: RE: Pacific/ MINO Call (Weekly)

He can call in

From: Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 1:01 PM
To: Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

I will ask Colin.

De : Winfield, Nicholas
Envoyé : 8 février 2019 11:23
À : Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>
Objet : Fw: Pacific/ MINO Call (Weekly)

Would you like for Tania or Colin to attend?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Richter, Julie <Julie.Richter@dfo-mpo.gc.ca>

Sent: Friday, February 8, 2019 11:21 AM
To: MacDonald, Jeff (NCR); Winfield, Nicholas
Subject: RE: Pacific/ MINO Call (Weekly)

Great. It does not necessarily need to be an EX. Just let me know who so we can get them added to the invitation list.

From: MacDonald, Jeff (NCR) <Jeffery.MacDonald@dfo-mpo.gc.ca>
Sent: February-08-19 10:16 AM
To: Richter, Julie <Julie.Richter@dfo-mpo.gc.ca>; Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

Thanks Julie. I will try and have someone attend.

It does overlap partially with the AE Extended management meeting.

Jeff MacDonald
Director General / Directeur général
Oceans Management Directorate / Direction de la gestion des Océans
Fisheries and Oceans Canada / Pêches et Océans Canada
200 Kent St., Office 10W088 / 200, rue Kent, bureau 10W088
Ottawa, ON K1A 0E6
Canada

☎ (613) 990-7556

jeffery.macdonald@dfo-mpo.gc.ca

From: Richter, Julie
Sent: Friday, February 8, 2019 09:08
To: Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>; MacDonald, Jeff (NCR) <Jeffery.MacDonald@dfo-mpo.gc.ca>
Subject: RE: Pacific/ MINO Call (Weekly)

Hi Nick & Jeff,

The following items are on the agenda for Pacific's weekly MINO briefing this afternoon. If you would like to attend or send someone to attend, please let me know who and we will ask for them to send you the invitation. (Ingrid is attending for the aquaculture item already.)

- a. Trans Mountain Pipeline – Stewart Slough Crossing (Lead: Evan Henderson)
- b. North Coast Reconciliation Framework Agreement (Lead: Brigid Payne)

<< File: Pac-MINO Briefing Agenda Feb 8.docx >>

Julie

-----Original Appointment-----

From: Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca> **On Behalf Of** Departmental Assistant / Adjoint ministériel (DFO/MPO)

Sent: February-08-19 8:50 AM

To: O'Halloran, Mark; Murdoch, Sarah; Whorley, David; Kaba, Kyle; Girouard, Louise; Reid, Rebecca; Webb, Allison; Liu,

Wen-Bey; Thomson, Andrew; Patrick, Lindsey; Burns, Adam; Nener, Jennifer; Jackson, Corey; Fogliato, Cara; Busby, Corina; Kotyk, Mel; Stadel, Angela; Anderson, Randi A; Choeurng, Stephanie; Des Rosiers, Marie-Pascale; Kropman, Alexann; Lacombe, Barry; Lubczuk, Jocelyn; McIntyre, Alexis; Mitchell, Laura; Mullan-Boudreau, Caitlin; O'Grady, Samantha; Simons, Fiona; Tran, Thi; Windsor, Victoria; Barker, Tyler; Bilmer, Angela; Butcher, Ashley; Cousineau, Cécile; Hill, Johanna; Hirani, Samia; Jarjour, Jasmine; Longtin, Jean; Proctor, Jody; Robinson, Connor; Nielsen, Ingrid; Morel, Philippe; Richter, Julie

Cc: Mahaux, Patrick; Collie, Tyler; Schenk, Ingrid; Norton, Brett; Henderson, Evan

Subject: Pacific/ MINO Call (Weekly)

When: February-08-19 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Minister's Boardroom

(Fiona) << File: Pac-MINO Briefing Agenda Feb 8.docx >>

s.16(2)

Teleconference Information:

1-877-413-4790

ID: 

Sandgathe, Tracey L

From: Sandgathe, Tracey L
Sent: Friday, February 8, 2019 3:16 PM
To: Malikian, Janine
Subject: Fwd: FOR REVIEW: Stewart Creek inspection - Canadian Press request
Attachments: 2019-02-08_FPP_Compliance_Monitoring_Site_Visit_Form_stewart_slough.docx

Janine, would we usually provide documents requested by reporters or ask them to apply through ATIP?

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada
Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Henderson, Evan" <Evan.Henderson@dfo-mpo.gc.ca>
Date: 2019-02-08 2:32 PM (GMT-08:00)
To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Hi Tracey,

See the attached site visit form for your review.

Evan

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 14:05
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>
Subject: FW: FOR REVIEW: Stewart Creek inspection - Canadian Press request

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 9:05 AM

To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Can you get Evan to send it to me so I can take a look. Any issues with releasing? I will ask Janine about the usual process for these types of media related requests.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Sent: February-08-19 9:04 AM

To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Subject: Re: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Yes.

----- Original message -----

From: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>

Date: 2019-02-08 8:10 AM (GMT-08:00)

To: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: Re: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Would we provide the report under ATIP?

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada
Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>

s.19(1)

Date: 2019-02-07 4:05 PM (GMT-08:00)

To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>

Subject: FOR REVIEW: Stewart Creek inspection - Canadian Press request

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>

Sent: Thursday, February 7, 2019 2:31 PM

To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>

Subject: Stewart Creek inspection - Canadian Press request

Hi Alston,

We have received a media request from the Canadian Press about the Trans Mountain Pipeline crossing at Stewart Slough. I pulled bullets from our regionally approved lines (attached) to address some of the questions, but need some assistance or guidance for others.

I note that the original story about the issue was also a CP article: <https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Thanks,
Janine

ISSUE: Canadian Press reporter [REDACTED] Says: I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

DEADLINE: No urgent deadline for this story but would appreciate a response as soon as you're able

PROPOSED RESPONSE:

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO is currently following up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

DFO does not have any additional information to provide regarding the site visit that has not already been communicated in this correspondence.

Janine Malikian

Communications Advisor | Conseillère en Communications
Fisheries and Oceans Canada | Government of Canada
Pêches et Océans Canada | Gouvernement du Canada
200-401 Burrard Street | Pièce 200 401, rue Burrard

Vancouver, BC V6C 3S4 | Vancouver, (C.-B.) V6C 3S4

Janine.Malikian@dfo-mpo.gc.ca

Tel/Tél: 604-666-6766 | Fax/Télécopieur: 604-666-1847

Follow us on Twitter! [@DFO_Pacific](#) / Suivez-nous sur Twitter! [@MPO_Pacifique](#)



Fisheries and Oceans
Canada

Pêches et Océans
Canada

FPP COMPLIANCE MONITORING SITE VISIT FORM - AUTHORIZATION AND LOA

Fisheries and Oceans Canada / Pêches et Océans Canada

PROJECT/SITE INFORMATION (Complete this section prior to site visit with information from Project File where possible)	____-HPAC- _____		Referral title: Trans Mountain Pipeline -		Site visit date: 2019 - 01 - 30 Year Month Day				
	FPP assessor: Alston Bonamis		Monitor name(s): Alston Bonamis, William Brewis		Client contact info (name and phone no.): Trans Mountain Pipeline ULC				
	Waterbody name: Stewart Slough		Location (address/directions/GPS coordinates): 49°04'38.8"N 122°03'16.4"W		Work Status <input type="checkbox"/> Not Started <input type="checkbox"/> In-progress <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Unknown <input type="checkbox"/> Discontinued				
	Others on site? (Proponent, Consultant, Fishery Officer, etc.): None								
COMPLIANCE MONITORING	Pre-project site description:								
	Habitat type(s): FRESHWATER: <input checked="" type="checkbox"/> In-channel <input type="checkbox"/> Off-channel <input type="checkbox"/> Lacustrine <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Riparian MARINE: <input type="checkbox"/> Marine/estuarine Intertidal <input type="checkbox"/> Marine/estuarine Subtidal <input type="checkbox"/> Riparian/backshore								
	Habitat function(s): <input type="checkbox"/> Spawning <input type="checkbox"/> Migration <input checked="" type="checkbox"/> Rearing <input type="checkbox"/> Holding <input checked="" type="checkbox"/> Food and nutrient								
	Fish species present: Recorded (as identified in Pearson 2018, available at https://apps.neb-one.gc.ca/REGDOCS/File/Download/3723601): RB, CT, CO, CM, PCC, BMC, RSC, NSC, CAS, TSB, PL, and PMB.								
Description of component works, undertaking or activities on-site (from LEADR and/or Project File):									
In August-September, 2018, a portion of Trans Mountain's existing pipeline that crosses Stewart Slough was exposed prior to the installation of a protective pipe coating layer, sand cushion, backfill material, and concrete articulating mats across the channel. The streambed was excavated (2 m wide and 0.7 m deep) at the upstream and downstream edges of the mats and filled with riprap. A gravel layer was placed on top the concrete articulating mats on the west and east banks.									
Riparian planting at the crossing consisted of seeded matting, a band of snowberry (<i>Symphoricarpos albus</i>), and several plantings of small trees e.g., alder (<i>Alnus</i> sp.).									
Concerns regarding the quality of fish habitat following the works have been raised by Yarrow Ecovillage, as reported in a memorandum prepared by Dr. Mike Pearson of Pearson Ecological (Pearson 2018, available at https://apps.neb-one.gc.ca/REGDOCS/File/Download/3723601).									
Dr. Mike Pearson also filed an incident report with DFO ORR on Jan 28, 2018. The purpose of this site visit was to follow-up on that incident report and inspect the site to determine whether impacts to fish and fish habitat resulted in serious harm.									
					Yes	No	Partial	Unknown	N/A
Were photos taken? (Identify photographer and location where photos will be stored) Alston Bonamis, FPP Drive: \\Dcbcvanna01b\VAN_RHQ_6\FPP\0 5572_Referrals\Oil&Gas\TMX\2019-01-30_Site_Visit_Stewart_Slough					<input checked="" type="checkbox"/>	<input type="checkbox"/>			
1. Were the works, undertakings or activities completed as described in the Authorization/LOA/Project Proposal? If "No" or "Partial", describe: Works were completed as described in the proposal to the National Energy Board (NEB). DFO did not receive a referral regarding these works.					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Authorization Only	2. Was the serious harm to fish as described in the Authorization? If "No" or "Partial", describe unauthorized residual harm to fish (e.g., death of fish, permanent alteration, or destruction of fish habitat):				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. If <i>Species at Risk Act</i> (SARA) conditions are included in the authorization, were the impacts on aquatic SARA species as described? If "No" or "Partial", describe unauthorized impacts (e.g. death of SAR individuals, destruction of critical habitat).				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FPP COMPLIANCE MONITORING SITE VISIT FORM - AUTHORIZATION AND LOAS



COMPLIANCE MONITORING	Authorization Only	4. Were the measures and standards to avoid and mitigate serious harm to fish or impacts to aquatic SARA species implemented as described? If "No" or "Partial", describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Yes	No	Partial	Unknown	N/A
		5. Were these measures and standards to avoid and mitigate effective in preventing serious harm to fish or impacts to aquatic SARA species? If "No" or "Partial", describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		6. Were there contingency avoidance or mitigation measures required and/or implemented? If "Yes" or "Partial" describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		7. Were the contingency measures effective in preventing serious harm to fish or impacts to aquatic SARA species? If "No" or "Partial", describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		8. Were the offsetting measures implemented as described? If "No" or "Partial", describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		9. Were the offsetting measures effective at preventing serious harm to fish or impacts to SARA species? If "No" or "Partial", describe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	10. How was the effectiveness of the measures (mitigation, contingency or offsetting) assessed? <i>Observational:</i> Effectiveness is determined by a combination of visual observations, expert opinion and general knowledge of the file. Information source: visual assessment during a site visit. <i>Functional:</i> Effectiveness is determined by surrogate metrics of fish productivity including: area (e.g., project vs. offset); visual assessment of function and; some biotic measures (e.g., macrophyte density or amount of a substrate type). Monitoring program includes spatial and trend components. Information source: proponent's monitoring report(s). <i>Direct:</i> Effectiveness is determined by direct metrics of fishery productivity including: physical and key biotic indicators (e.g., primary producers, invertebrates, fish). Monitoring program includes spatial and trend components for statistical assessment of effect (e.g., Before-After Control-Impact design). Information source: proponent's monitoring report(s). <div style="display: flex; justify-content: space-around;"> Observational <input checked="" type="checkbox"/> Functional <input type="checkbox"/> Direct <input type="checkbox"/> Other <input type="checkbox"/> N/A <input type="checkbox"/> </div> Describe if "Other" or "N/A" is selected or include other relevant comments:						
		Yes	No	Partial	Unknown	N/A	
	11. Is there a compliance issue with the <i>Fisheries Act</i> ? If "Yes", describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>		
13. Is there a compliance issue with the <i>Species at Risk Act</i> ? If "Yes", describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>			
14. If a compliance issue was identified, did the proponent notify DFO?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>		
15. If there is a compliance issue with the <i>Fisheries Act</i> or the <i>Species at Risk Act</i> , identify the section(s) where non-compliance applies: Fisheries Act: 20 21 35 38 SARA: 32 33 58 Describe the non-compliance issue:	<input type="checkbox"/>	<input type="checkbox"/>			<input checked="" type="checkbox"/>		

Page 81
is not reviewed
n'est pas révisée

Crance, Colin

From: Sandgathe, Tracey L
Sent: Tuesday, February 12, 2019 8:16 PM
To: Crance, Colin
Subject: Stewart Slough - Update

s.16(2)

For your information.

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the site visit, DFO determined that no follow-up compliance action was necessary. However, DFO followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain provided a follow-up response on February 8, 2019 that outlined rationale for the design of fish habitat features at the Stewart Slough crossing. Trans Mountain also stated that no Pacific spawning habitat was present at the crossing prior to the works and providing spawning habitat was not an objective of post-works restoration. DFO considers Trans Mountain's response reasonable and will confirm that the Proponent plans to conduct monitoring to ensure the site is functioning effectively as fish habitat.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Henderson, Evan

From: Henderson, Evan
Sent: Tuesday, February 12, 2019 09:49
To: Bonamis, Alston
Cc: Sandgathe, Tracey L
Subject: RE: Input Please: ROCS (Week of Feb11)

Alston, see below for your review.

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the site visit, DFO determined that no follow-up compliance action was necessary. However, DFO followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain provided a follow-up response on February 8, 2019 that outlined rationale for the design of fish habitat features at the Stewart Slough crossing. Trans Mountain also stated that no Pacific spawning habitat was present at the crossing prior to the works and providing spawning habitat was not an objective of post-works restoration. DFO considers Trans Mountain's response reasonable and does not plan to follow up further.

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Tuesday, February 12, 2019 05:39
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: FW: Input Please: ROCS (Week of Feb11)

Add something on the results of TM's follow up? Due back to Alice tomorrow by noon.

Trans Mountain Pipeline – Stewart Slough Crossing

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident following a report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the site visit, DFO determined that no follow-up compliance action was necessary. However, DFO has followed up with the Proponent to better understand the choices made with respect to incorporation of fish habitat features in site design and construction. Trans Mountain has committed to providing a follow-up response by February 11, 2019.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Cheung, Alice
Sent: February 11, 2019 6:51 PM
To: Amaya, Libardo; Galbraith, Ryan; Sandgathe, Tracey L; Rotinsky, Brenda; Magnan, Alain; Leslie, Karen; Binning, Kelly; Silverstein, Adam; Shepherd, Pippa; Simpson, Jennifer
Cc: Salomi, Corino
Subject: Input Please: ROCS (Week of Feb11)

Hi all -

Looking for your weekly ROCS updates please. As a friendly reminder, submissions:

- should be a brief paragraph (no longer than 6-8 sentences maximum/ 200-250 words);
- must contain a title/header;
- the first sentence must summarize the issue; and
- all acronyms must be spelled out on first appearance.

A NIL response is appreciated by Wednesday at noon.

Thanks,
Alice

In case you're interested, here are the submissions that went up last week (1 for EMB):

Aboriginal Fishery Guardian Training

Conservation and Protection, in collaboration with the Aboriginal Fisheries Strategy program in the Pacific Region will deliver Aboriginal Fishery Guardian training program at Quest University in Squamish, from February 11 to March 1. The training focus this year is on delivery of a three-week training session for succession planning and the goal of designation as a fishery guardian under section 5 of the *Fisheries Act*. Up to 25 Indigenous trainees will be attending and 14 Conservation and Protection staff will be delivering the classroom and field modules. Trainees were nominated by their nation to receive this training to recognize, document and report unlawful fisheries-related activities in their

communities as a designated guardian. Designated fishery guardians, with certain limited enforcement authorities under the Act, are technical experts, employed by their nations. Fishery guardians will also expand the monitoring capacity of DFO and play a key role in building compliance.

Chinook Salmon - Update

DFO has initiated consultations to identify new fishery management restrictions to address high conservation concerns for Fraser River Chinook. Fraser River Chinook have been classified as high conservation risk by COSEWIC. On February 5, 2019 the Pacific Region Salmon Team released a letter that outlines two potential fishery scenarios that provide examples of potential management actions that are designed to substantially reduce fishery mortalities to conserve Fraser Spring 4₂, Spring 5₂ and Summer 5₂ Chinook. Scenario A outlines a precautionary approach that limits all Canadian fishery mortalities to less than 5% which requires extensive fishery closures or Chinook non-retention for commercial and recreational fisheries through the end of July. Scenario B outlines further fishery reductions compared with 2018, fishery reductions are less severe than Scenario A but would result in fewer potential spawners due to higher fishery impacts than Scenario A. The department received over 75 responses in the two days following the letter including correspondence outlining concerns and anger surrounding the proposed management actions, particularly Scenario A. The bulk of the letters to date are from the recreational sector outlining the major economic impacts to the recreational fishery if Scenario A is implemented. DFO will be consulting with First Nations and stakeholder advisory groups that represent recreational interests (Sport Fishing Advisory Board), commercial fishing interests, and the Marine Conservation Caucus (an umbrella body for ENGO's). It is expected that revisions to the existing Scenarios or alternative Scenarios will be submitted as a result of consultations. A Ministerial decision will be sought in March 2019 to inform implementation of fishery measures beginning in April 2019.

DFO Meeting with the Pacific Balance Pinniped Society

On February 7, 2019 DFO Pacific Region staff met with representatives of the Pacific Balance Pinniped Society - a group of First Nations and non-First Nations individuals who are interested in pursuing a commercial fishery for pinnipeds (harbour seals, sea lions). In October 2018, the group submitted a proposal for the establishment of a commercial fishery under the DFO New and Emerging Fisheries Policy (NEFP) with the objectives of: 1. Creating a viable commercial fishery for seals and sea lions (including pelts, meat, blubber, etc.); and 2. Maintaining or reducing the seal and sea lion population to reduce their impact on Pacific salmon; particularly Coho and Chinook. The group has been extremely active on social and traditional media in recent weeks, including several articles and interviews with major regional newspapers and television. In the meeting, DFO staff indicated that more work would be required before the proposal could be formally considered by the Department under the NEFP. The group gave media interview immediately following the meeting and may react negatively to outcome of the meeting, as well as argue that urgent action is required in order to reduce the seal population and reduce predation on out-migrating Coho and Chinook stocks this spring. Media lines have been developed in the event DFO received media calls or requests to comment publicly on the proposal.

Trans Mountain Pipeline – Stewart Slough Crossing - Update

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident following a report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to enhance the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.

It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals from the Proponent or the NEB regarding works, undertakings or activities at Stewart Slough. DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the site visit, DFO determined that no follow-up compliance action was necessary. However, DFO has followed up with the Proponent to better understand the choices made with respect to

incorporation of fish habitat features in site design and construction. Trans Mountain has committed to providing a follow-up response by February 11, 2019.

No information has been removed or severed from this page

Sandgathe, Tracey L

From: Brewis, William
Sent: Tuesday, February 12, 2019 8:11 AM
To: Sandgathe, Tracey L
Cc: Henderson, Evan; Bonamis, Alston
Subject: Notes on Trans Mountain's response to Stewart Slough crossing IR

Hi Tracey,

I have prepared some notes below regarding Trans Mountain's response to DFO's questions regarding the Stewart Creek.

Fisheries and Oceans Canada (DFO) conducted a site visit to the existing Trans Mountain pipeline crossing at Stewart Slough in Veddar, BC, on January 30, 2019. Following the visit, DFO made a formal request to Trans Mountain Pipeline ULC (Trans Mountain) to provide information regarding the design and restoration works associated with the installation of scour protection over the streambed in September 2018. Trans Mountain provided a response to DFO's information request on February 8, 2019. The response provided the following clarifications regarding their approach to design and restoration:

- Qualified Environmental Professionals worked with the engineer to advise on restoration design and on suitable substrate to install below the high water mark to limit erosion of sediment into the watercourse
- The articulated-concrete matting and sparse gravel was installed over the streambed and spaced in a way to promote accumulation of fine sands and mud over time during sustained high flows
- Sediment accumulation over time is expected to cover the matting entirely with a similar substrate to that up- and downstream of the crossing
- No spawning habitat for Pacific salmon was present at the site before works, and this was not the objective of restoration
- Native shrubs and tree species were planted on the banks of the crossing above the high water mark
- Erosion protection was installed on both banks of the crossing
- No large woody debris was installed below the high water mark as is standard industry practice to avoid potential erosional scour of the streambed
- Riprap has been installed at the up- and downstream ends of the crossing to protect against erosional scour of the installed concrete matting

Hope this helps.

Will

William Brewis, M.Sc., R.P.Bio.

Fisheries Protection Biologist, Ecosystems Management Branch
Fisheries and Oceans Canada / Government of Canada
william.brewis@dfo-mpo.gc.ca / Tel: 604-666-4609

Biologiste de la protection des pêcheries, Gestion des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
william.brewis@dfo-mpo.gc.ca / Tél: 604-666-4609



Government
of Canada

Gouvernement
du Canada

Canada

Gordanier, Tania

From: Fagan, Ashley
Sent: Thursday, February 14, 2019 4:16 PM
To: Morel, Philippe
Cc: Winfield, Nicholas; Richter, Julie; Quinn, Caroline; McElhone, Kathryn; Campbell, Barre; Jahn, Robin; Eatmon, Keegan; Saindon, Carole; Marquis, Hélène; Gordanier, Tania; Crance, Colin; Villeneuve, Anne-Marie; Genier, Sylvie
Subject: RE: FOR APPROVAL - Media inquiry - The Canadian Press - TMX - inspection Stewart Creek BC

Many thanks!

From: Morel, Philippe
Sent: February-14-19 4:16 PM
To: Fagan, Ashley
Cc: Winfield, Nicholas; Richter, Julie; Quinn, Caroline; McElhone, Kathryn; Campbell, Barre; Jahn, Robin; Eatmon, Keegan; Saindon, Carole; Marquis, Hélène; Gordanier, Tania; Crance, Colin; Villeneuve, Anne-Marie; Genier, Sylvie
Subject: Re: FOR APPROVAL - Media inquiry - The Canadian Press - TMX - inspection Stewart Creek BC

No
Good to go

Philippe

Philippe Morel
ADM - Aquatic Ecosystems
SMA - Écosystèmes aquatiques
DFO - MPO

Le 14 févr. 2019 à 16:13, Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca> a écrit :

Many thanks. Philippe, any concerns on your end?

From: Winfield, Nicholas
Sent: February-14-19 4:10 PM
To: Fagan, Ashley; Morel, Philippe
Cc: Richter, Julie; Quinn, Caroline; McElhone, Kathryn; Campbell, Barre; Jahn, Robin; Eatmon, Keegan; Saindon, Carole; Marquis, Hélène; Gordanier, Tania; Crance, Colin; Villeneuve, Anne-Marie; Genier, Sylvie
Subject: RE: FOR APPROVAL - Media inquiry - The Canadian Press - TMX - inspection Stewart Creek BC

No concerns

From: Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca>
Sent: Thursday, February 14, 2019 3:22 PM
To: Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>; Morel, Philippe <Philippe.Morel@dfo-mpo.gc.ca>
Cc: Richter, Julie <Julie.Richter@dfo-mpo.gc.ca>; Quinn, Caroline <Caroline.Quinn@dfo-mpo.gc.ca>; McElhone, Kathryn <Kathryn.Mcelhone@dfo-mpo.gc.ca>; Campbell, Barre <Barre.Campbell@dfo-mpo.gc.ca>

mpo.gc.ca>; Jahn, Robin <Robin.Jahn@dfo-mpo.gc.ca>; Eatmon, Keegan <Keegan.Eatmon@dfo-mpo.gc.ca>; Saindon, Carole <Carole.Saindon@dfo-mpo.gc.ca>; Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>; Crance, Colin <Colin.Crance@dfo-mpo.gc.ca>; Villeneuve, Anne-Marie <Anne-Marie.Villeneuve@dfo-mpo.gc.ca>; Genier, Sylvie <Sylvie.Genier@dfo-mpo.gc.ca>

Subject: FOR APPROVAL - Media inquiry - The Canadian Press - TMX - inspection Stewart Creek BC
Importance: High

Hi Nick and Philippe,

We have a media call related to the existing TMX pipeline and DFO's inspection of the Sawmill Creek crossing, Seeking your concurrent review and approval on this, given the time crunch to meet reporter's deadline.

This has been developed and approved by PAC region.

s.19(1)

If any concerns, grateful if you could please flag by 4:30 today.

Thanks,
Ashley

ISSUE: Canadian Press reporter [REDACTED]

[REDACTED] Says: I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

DEADLINE: 4:00 p.m. Pacific (Feb 14)

APPROVED BY: B. Antcliffe, Cheryl Webb.

PROPOSED RESPONSE:

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat. Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural

recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO followed up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction. DFO is not contemplating further follow-up action with the Proponent, but will be confirming that the Proponent intends to conduct monitoring of the site to ensure that it functions effectively as fish habitat.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

DFO does not have any additional information to provide regarding the site visit that has not already been communicated in this correspondence.

Ashley Fagan
Senior Communications Advisor | Conseillère principale en communications
Fisheries and Oceans Canada | Pêches et Océans Canada
ashley.fagan@dfo-mpo.gc.ca
613-990-0636 ***NEW***

Brewis, William

From: Brewis, William
Sent: Thursday, February 14, 2019 4:46 PM
To: Bonamis, Alston s.19(1)
Subject: FW: Trans Mountain - Stewart Slough Crossing

FYI. I don't believe that the NEB has any information to BC OGC yet for Stewart Slough.

From: Heather Adams <Heather.Adams@neb-one.gc.ca>
Sent: Thursday, February 14, 2019 4:35 PM
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>
Cc: Brewis, William <William.Brewis@dfo-mpo.gc.ca>
Subject: RE: Trans Mountain - Stewart Slough Crossing

Thanks very much Evan, I will do right now. My contact at BC OGC is [REDACTED] I will pass along your contact information to [REDACTED]

[REDACTED]

Appreciated,

Heather Adams, M.A.Sc.
Environmental Specialist | Spécialiste de l'environnement
Vancouver Regional Office | Bureau régional de Vancouver
National Energy Board (NEB) | Office national de l'énergie (ONE)
Government of Canada | Gouvernement du Canada

Email / courriel heather.adams@neb-one.gc.ca
Cell / Mobile 778-837-5894
<http://www.neb-one.gc.ca>

From: Henderson, Evan [<mailto:Evan.Henderson@dfo-mpo.gc.ca>]
Sent: Monday, February 11, 2019 12:47 PM
To: Heather Adams <Heather.Adams@neb-one.gc.ca>
Cc: Brewis, William <William.Brewis@dfo-mpo.gc.ca>
Subject: RE: Trans Mountain - Stewart Slough Crossing

Hi Heather,

Yes DFO biologists did conduct a site visit at Stewart Slough on January 30, 2019. Happy to chat with your BC OGC contacts so feel free to pass along our contact information to them.

Cheers,

Evan

From: Heather Adams <Heather.Adams@neb-one.gc.ca>
Sent: Monday, February 11, 2019 08:59

To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Brewis, William <William.Brewis@dfo-mpo.gc.ca>

Subject: Trans Mountain - Stewart Slough Crossing

Good morning Evan and William,

I am an Environmental Specialist with the National Energy Board based out of our Vancouver Regional Office. A gentleman from BC OGC reached out to my about the possibility of a co-inspection of Trans Mountain's Stewart Slough Crossing. After speaking with boss, I understand that the NEB is declining at this time. Our inspection planning are risked-based, and I understand DFO inspected this very location on 30 January 2019. I shared this rationale with BC OGC, who expressed interested in having a look at your photos from the inspection. I am writing to inquire if you are comfortable if I share these photos with my two BC OGC contacts, or pass along your contact information so that they may ask directly? Please don't feel any pressure.

Thanks,

Heather Adams, M.A.Sc.

Environmental Specialist | Spécialiste de l'environnement

Vancouver Regional Office | Bureau régional de Vancouver
National Energy Board (NEB) | Office national de l'énergie (ONE)
Government of Canada | Gouvernement du Canada

Email / courriel heather.adams@neb-one.gc.ca
Cell / Mobile 778-837-5894
<http://www.neb-one.gc.ca>

Sandgathe, Tracey L

From: Sandgathe, Tracey L
Sent: Thursday, February 14, 2019 6:19 AM
To: Girouard, Louise; Cheung, Alice
Cc: Girdler, Lauren
Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Importance: High

Below are the completed/edited media lines. Approved at my level.

Thank you,
Tracey

PROPOSED RESPONSE:

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO followed up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction. DFO is not contemplating further follow-up action with the Proponent, but will be confirming that the Proponent intends to conduct monitoring of the site to ensure that it functions effectively as fish habitat.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

DFO does not have any additional information to provide regarding the site visit that has not already been communicated in this correspondence.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Girouard, Louise
Sent: February 13, 2019 3:12 PM
To: Cheung, Alice
Cc: Girdler, Lauren; Sandgathe, Tracey L
Subject: Fw: FOR REVIEW: Stewart Creek inspection - Canadian Press request

As discussed. Can you please approve.

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Sent: Wednesday, February 13, 2019 12:37 PM
To: Sandgathe, Tracey L; Davies, Leri
Cc: Lauren Girdler (Lauren.Girdler@dfo-mpo.gc.ca)
Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Hi Tracey,

Apologies for not getting back to you sooner. Given all the context provided in Q1 through Q3 we propose to get back to the reporter with the lines below in Q.4, stating that:

. **Did you complete a report? May I have a copy?** A. DFO has completed a site visit report that is maintained within internal records.

Should the reporter come back and ask for a copy, we would then consult with ATIP and Legal to see if there are any concerns.

Would that work? The reporter has followed up today. Can we please get your approval on the lines below?

Happy to discuss.

s.19(1)

Louise

ISSUE: Canadian Press reporter [REDACTED] Says: I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

DEADLINE: No urgent deadline for this story but would appreciate a response as soon as you're able

PROPOSED RESPONSE:

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO is currently following up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

DFO does not have any additional information to provide regarding the site visit that has not already been communicated in this correspondence.

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: Tuesday, February 12, 2019 1:17 PM

To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>; DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MédiasQGRPACF.MPO@dfo-mpo.gc.ca>

Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Including the attachment.

s.16(2)

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches

Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Sandgathe, Tracey L
Sent: February-12-19 1:14 PM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>; 'media.pac@dfo-mpo.gc.ca' <media.pac@dfo-mpo.gc.ca>
Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Passing this email along in Janine's absence. Hoping for a response as soon as possible.

s.16(2)

Thank you

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: February-08-19 3:16 PM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Subject: Fwd: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Janine, would we usually provide documents requested by reporters or ask them to apply through ATIP?

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada
Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Henderson, Evan" <Evan.Henderson@dfo-mpo.gc.ca>
Date: 2019-02-08 2:32 PM (GMT-08:00)
To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Hi Tracey,

See the attached site visit form for your review.

s.16(2)

Evan

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 14:05
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>
Subject: FW: FOR REVIEW: Stewart Creek inspection - Canadian Press request

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 9:05 AM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Can you get Evan to send it to me so I can take a look. Any issues with releasing? I will ask Janine about the usual process for these types of media related requests.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: February-08-19 9:04 AM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: Re: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Yes.

----- Original message -----

From: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>
Date: 2019-02-08 8:10 AM (GMT-08:00)
To: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: Re: FOR REVIEW: Stewart Creek inspection - Canadian Press request

Would we provide the report under ATIP?

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada
Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Date: 2019-02-07 4:05 PM (GMT-08:00)
To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: FOR REVIEW: Stewart Creek inspection - Canadian Press request

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Thursday, February 7, 2019 2:31 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Stewart Creek inspection - Canadian Press request

Hi Alston,

We have received a media request from the Canadian Press about the Trans Mountain Pipeline crossing at Stewart Slough. I pulled bullets from our regionally approved lines (attached) to address some of the questions, but need some assistance or guidance for others.

I note that the original story about the issue was also a CP article: <https://www.cbc.ca/news/canada/british-columbia/transmountain-pipeline-salmon-habitat-1.4995129>

Thanks,

Janine

ISSUE: Canadian Press reporter [REDACTED] Says: I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited? s.19(1)
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

DEADLINE: No urgent deadline for this story but would appreciate a response as soon as you're able

PROPOSED RESPONSE:

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not

received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO is currently following up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

DFO does not have any additional information to provide regarding the site visit that has not already been communicated in this correspondence.

Janine Malikian

Communications Advisor | Conseillère en Communications

Fisheries and Oceans Canada | Government of Canada

Pêches et Océans Canada | Gouvernement du Canada

200-401 Burrard Street | Pièce 200 401, rue Burrard

Vancouver, BC V6C 3S4 | Vancouver, (C.-B.) V6C 3S4

Janine.Malikian@dfo-mpo.gc.ca

Tel/Tél: 604-666-6766 | Fax/Télécopieur: 604-666-1847

Follow us on Twitter! [@DFO_Pacific](https://twitter.com/DFO_Pacific) / Suivez-nous sur Twitter! [@MPO_Pacifique](https://twitter.com/MPO_Pacifique)



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Sandgathe, Tracey L

From: Bonamis, Alston
Sent: Friday, February 15, 2019 2:10 PM
To: Sandgathe, Tracey L
Subject: RE: Canadian Press - Stewart Creek inspection

Responses Below.

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Sent: February-15-19 11:50 AM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: Cheung, Alice <Alice.Cheung@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: FW: Canadian Press - Stewart Creek inspection

Hi Tracey,

Can you please provide more details as per the reporter's follow up request below?

Alternatively, would it be easier to arrange an interview with the reporter to explain?

Thanks,

s.16(2)

L

s.19(1)

Louise Girouard
Regional Director Communications | Directrice régionale des communications
Pacific Region | Région du Pacifique
Fisheries, Oceans and Canadian Coast Guard | Pêches, Océans et Garde côtière canadienne
Louise.Girouard@dfo-mpo.gc.ca Tel: 604.666.3855 | Cell: [REDACTED]

From: [REDACTED]
Sent: Friday, February 15, 2019 11:06 AM
To: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Re: Canadian Press - Stewart Creek inspection

Hi Louise, thanks! I have a couple follow up questions, related to this graf:

"Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions."

- How has the fish habitat been temporarily altered? Please explain in further detail.

The streambed in the vicinity of the works has been altered from soft sediment bottom to hard substrate as a result of the placement of the concrete articulated matting for protection of the pipeline. Stream flow through this area of the watercourse is slow, and will allow sediment (fines and sands) carried in suspension to settle out and re-form the soft-bottom (i.e., natural recruitment of sediment).

- What do you mean by "natural recruitment of sediment" to the site? How do you expect this to happen, and over what period of time? How will it re-establish the pre-existing habitat conditions?

Natural recruitment of sediment of sediment to the site is likely to occur over one or two years. Some sediment has already settled over the concrete matting since construction. The pre-existing habitat conditions provided rearing and overwintering habitat for salmonids. As natural recruitment of sediment occurs, and the riparian vegetation planted on the banks grows during the upcoming summer season, the site will start to resemble pre-construction conditions along with the habitat values that pre-existed. It should be noted however, that prior to the construction works, the riparian vegetation was primarily reed canarygrass, which is an invasive plant species that often starts to grow into the streams and deteriorates fish habitat. The vegetation planted post-construction (e.g., snowberry, nootka rose, salmonberry, etc.) will help avoid recolonization of reed canarygrass and improve fish habitat once established (e.g., by providing shading of the stream to prevent warm water temperatures; reducing bank erosion, and providing insect inputs for fish forage).

- When do you expect the pre-existing habitat conditions to be re-established?

Pre-existing habitat conditions are likely to be fully established within one to two years. However, monitoring of the site is required by the Proponent to ensure that the habitat functions effectively.

s.16(2)

I can be reached at [REDACTED] Please let me know. Thanks so much!

s.19(1)

[REDACTED]
Canadian Press

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>

Sent: Friday, February 15, 2019 8:46:18 AM

To: [REDACTED]

Cc: Girdler, Lauren

Subject: FW: Canadian Press - Stewart Creek inspection

Good morning [REDACTED]

In response to your questions, I can offer the following response.

Please do not hesitate to contact me or my colleague Lauren Girdler (cc'd) if you have any questions.

Cheers,

Louise

Louise Girouard

Regional Director Communications | Directrice régionale des communications

Pacific Region | Région du Pacifique

Fisheries, Oceans and Canadian Coast Guard | Pêches, Océans et Garde côtière canadienne

Louise.Girouard@dfo-mpo.gc.ca Tel: 604.666.3855 | Cell: ([REDACTED])

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

s.19(1) 2. **What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?**

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. **What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?**

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO followed up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction. DFO is not contemplating further follow-up action with the Proponent, but will be confirming that the Proponent intends to conduct monitoring of the site to ensure that it functions effectively as fish habitat.

4. **Did you complete a report? May I have a copy?**

DFO has completed a site visit report that is maintained within internal records.

5. **Is the inspector who visited the site available to do an interview with me?**

DFO could make arrangements to provide a spokesperson to speak on background.

From: [REDACTED]

Sent: Wednesday, February 13, 2019 12:18 PM

To: DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MediasQGRPACF.MPO@dfo-mpo.gc.ca>

Subject: Fw: Canadian Press - Stewart Creek inspection

Hi there, [REDACTED] -- just wondering if anyone else is handling my request?

Many thanks,

s.19(1)

From: [REDACTED]
Sent: Wednesday, February 13, 2019 12:16 PM
To: Malikian, Janine
Cc: Girdler, Lauren
Subject: Re: Canadian Press - Stewart Creek inspection

Hi Janine, just wondering when you expect to have a response? Thanks very much!

[REDACTED]

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 11:10:52 AM
To: [REDACTED]
Cc: Girdler, Lauren
Subject: RE: Canadian Press - Stewart Creek inspection

Super, thanks [REDACTED]
Janine

From: [REDACTED]
Sent: February-08-19 11:00 AM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Re: Canadian Press - Stewart Creek inspection

Yes, no problem at all Janine. Thank you so much for your help!

[REDACTED]

On Feb 8, 2019, at 8:20 AM, Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca> wrote:

Good morning [REDACTED]

Would it work for you if we get you answers after Monday? Program says we'll have more info then.

Thanks,
Janine

From: Malikian, Janine
Sent: February-07-19 12:09 PM
To: [REDACTED]
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hi [REDACTED]

Just wanted to let you know that we received your enquiry and will work on it.

Best,
Janine

Janine Malikian

Communications Advisor | Conseillère en Communications
Fisheries and Oceans Canada | Government of Canada
Pêches et Océans Canada | Gouvernement du Canada
200-401 Burrard Street | Pièce 200 401, rue Burrard
Vancouver, BC V6C 3S4 | Vancouver, (C.-B.) V6C 3S4
Janine.Malikian@dfo-mpo.gc.ca
Tel/Tél: 604-666-6766 | Fax/Télécopieur: 604-666-1847
Follow us on Twitter! [@DFO_Pacific](#) / Suivez-nous sur Twitter! [@MPO_Pacifique](#)

<image001.png>

From: [REDACTED]
Sent: February-07-19 12:00 PM
To: DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MediasQGRPACF.MPO@dfo-mpo.gc.ca>
Subject: Canadian Press - Stewart Creek inspection

s.19(1)

Hi there,

I'm a Canadian Press reporter and I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

Thanks so much. I can be reached at [REDACTED] I don't have an urgent deadline for this story but would appreciate a response as soon as you're able.

Best wishes,

[REDACTED]
Canadian Press

Henderson, Evan

From: Bonamis, Alston
Sent: Thursday, February 21, 2019 12:49
To: [REDACTED]
Cc: Henderson, Evan; Brewis, William; 'charlotte.haines@neb-one.gc.ca'
Subject: RE: Trans Mountain - Stewart Slough Crossing

s.19(1)

Thanks very much [REDACTED]

Alston

From: [REDACTED]
Sent: Thursday, February 21, 2019 12:13 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Brewis, William <William.Brewis@dfo-mpo.gc.ca>; 'charlotte.haines@neb-one.gc.ca' <charlotte.haines@neb-one.gc.ca>
Subject: RE: Trans Mountain - Stewart Slough Crossing

Hello Alston,

Yes, Trans Mountain will be conducting follow-up monitoring of the site. As part of Trans Mountain's Environmental Protection Program, mandated by the National Energy Board Onshore Pipeline Regulations, post disturbance assessments are conducted for all sites where ground disturbance has occurred. The objective of these assessments is to confirm that restoration activities have been successfully implemented with disturbed areas being returned to equivalent land-use such that there are no adverse environmental effects. Follow-up monitoring and restoration measures are continued until deficiencies have been addressed.

With the hazard abatement works complete, the crossing is protected from exposure and mechanical damage and has been assigned a low risk ranking under Trans Mountain's Natural Hazard Program. Watercourse crossings are subject to ground inspections by geohazard consultants on a 5-year maximum interval with a scheduled inspection of Stewart Slough in 2019.

Trans Mountain will monitor the site through the spring and summer 2019. Inspections will continue until restoration works are considered complete and the site functioning from an engineering and habitat perspective.

If there is anything further, please let me know.

Thanks,
[REDACTED]

From: Bonamis, Alston [<mailto:Alston.Bonamis@dfo-mpo.gc.ca>]
Sent: Friday, February 15, 2019 3:14 PM
To: [REDACTED]
Cc: Henderson, Evan; Brewis, William; 'charlotte.haines@neb-one.gc.ca'
Subject: RE: Trans Mountain - Stewart Slough Crossing

Hello Lisa,

Thank you for providing these responses from Trans Mountain. We have one follow-up question, which is to understand whether Trans Mountain will be conducting follow-up monitoring of the site, and if so, over what duration of time is monitoring expected to occur?

Thanks very much,

Alston Bonamis

A/ Manager, TMX Review and Engagement
Fisheries Protection Program
Ecosystems Management Branch
Fisheries and Oceans Canada / Government of Canada
alston.bonamis@dfo-mpo.gc.ca / Tel: 604-340-3359

s.19(1)

Gestionnaire, Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
alston.bonamis@dfo-mpo.gc.ca / Tél. : 604-340-3359

From: [REDACTED]
Sent: Friday, February 8, 2019 1:15 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Brewis, William <William.Brewis@dfo-mpo.gc.ca>; 'charlotte.haines@neb-one.gc.ca' <charlotte.haines@neb-one.gc.ca>
Subject: RE: Trans Mountain - Stewart Slough Crossing

Good Afternoon,

Please find attached Trans Mountain's response to your request (noted in the original email below).

Should there be anything further regarding this, please feel free to contact me.

Thank you,

From: Bonamis, Alston [<mailto:Alston.Bonamis@dfo-mpo.gc.ca>]
Sent: Tuesday, February 05, 2019 3:56 PM
To: [REDACTED]
Cc: Henderson, Evan; Brewis, William; 'charlotte.haines@neb-one.gc.ca'
Subject: RE: Trans Mountain - Stewart Slough Crossing

Great, thanks very much!

Alston

From: [REDACTED]
Sent: Tuesday, February 5, 2019 2:24 PM
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Brewis, William <William.Brewis@dfo-mpo.gc.ca>;

'charlotte.haines@neb-one.gc.ca' <charlotte.haines@neb-one.gc.ca>

Subject: RE: Trans Mountain - Stewart Slough Crossing

Hello Alston,

The process to compile the response is now underway and will be provided no later than end of day on Monday, February 11th. I hope that this timing meets your needs; should there be any concerns with the timing, please let me know.

Sincerely,

s.19(1)

From:

Sent: Monday, February 04, 2019 10:59 AM

To: 'Bonamis, Alston'

Cc: Henderson, Evan; Brewis, William; 'charlotte.haines@neb-one.gc.ca'

Subject: RE: Trans Mountain - Stewart Slough Crossing

Hello Alston,

I wanted to acknowledge your email and also to let you know that we have begun the preliminary review of the request. Once the review is complete, I will be providing you with an anticipated completion date, which should be in the next day or two.

Thanks,

Toll Free: 1.866.514.6700 | E: info@transmountain.com | W: transmountain.com

Follow: @TransMtn



From: Bonamis, Alston [<mailto:Alston.Bonamis@dfo-mpo.gc.ca>]

Sent: Friday, February 01, 2019 1:02 PM

To:

Cc: Henderson, Evan; Brewis, William; 'charlotte.haines@neb-one.gc.ca'

Subject: Trans Mountain - Stewart Slough Crossing

[This email message was received from the Internet and came from outside of Trans Mountain]

Hello

On January 30, 2019, Fisheries and Oceans Canada (DFO) conducted a site visit to the Stewart Slough crossing of the existing Trans Mountain pipeline in Chilliwack, BC to assess potential effects to fish and fish habitat from the maintenance works conducted in August/September 2018. In follow-up to our site visit, we are seeking clarification on the items in the request below to better understand aspects of the works, undertakings or activities.

Three annotated photographs, taken during DFO's site visit are provided in the attached PDF document, showing the locations of the features, that are referred to in the requests below.

Description of Attached Photos:

Photo 1:

- A) Zones of exposed articulated concrete mats and gravel along the banks of the crossing. The riparian planting and placement of seeded matting does not extend down to the water's edge through this zone.

Photo 2:

- B) Riparian tree planting that appears adjacent to the site of the crossing
- C) Geotextile matting for erosion and sediment control and seeded matting along both banks of the crossing
- D) A pocket in the channel bank upstream of, and adjacent to the keyed-in riprap at the crossing

Photo 3:

- E) Root wads on the west bank downstream of and adjacent to the crossing

Request:

DFO is seeking clarification on the following:

- a) An understanding of Trans Mountain's rationale for not placing soil over the exposed concrete mat along the banks and planting grasses into the zones marked 'A' in Photo 1. The natural banks upstream and downstream of the work site have vegetation extending to the water's edge. This vegetation holds soil in place and prevents bank erosion, which at the same time providing invertebrate inputs for fish forage.
- b) Whether riparian tree planting (i.e., tree plantings with white collars at the base) adjacent to the crossing, as shown in area 'B' of Photo 2, was conducted by or on behalf of Trans Mountain. DFO observed beaver activity immediately upstream and downstream of the crossing, and some of the planted trees have been damaged or removed by beaver activity.
- c) The objective(s) for installing erosion and sediment control matting and seeded matting, marked as 'C' in Photo 2, at the observed elevation along the bank.
- d) Whether Trans Mountain anticipates potential erosion or undercutting of the bank resulting from protrusion of the concrete matting from the bank's edge, resulting in further widening of the pocket observed (marked as 'D' in Photo 2). A similar pocket was observed on the east bank upstream of the concrete articulated mat.
- e) Whether or not root wads, marked in area 'E' were temporarily placed or installed by Trans Mountain, and if so, whether Trans Mountain intends to reposition these root wads to other locations near the crossing (e.g., in the vicinity of the pocket marked "D" in Photo 2, which may create refuge habitat for salmonids and contribute to invertebrate inputs, while also supporting sediment recruitment over the instream area of the articulated concrete mats).

Thank you for your assistance with these clarifications. Should you have any questions, please do not hesitate to contact me.

Alston Bonamis

A/ Manager, TMX Review and Engagement
Fisheries Protection Program
Ecosystems Management Branch
Fisheries and Oceans Canada / Government of Canada
alston.bonamis@dfo-mpo.gc.ca / Tel: 604-340-3359

Gestionnaire, Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
alston.bonamis@dfo-mpo.gc.ca / Tél. : 604-340-3359



DFO Inspection – Stewart Slough

Event Type

Field Inspection

Name of the Regulated Company for this Event

Trans Mountain Pipeline ULC

Information Request

Preamble:

On January 30, 2019, Fisheries and Oceans Canada (DFO) conducted a site visit to the Stewart Slough crossing of the existing Trans Mountain pipeline in Chilliwack, BC to assess potential effects to fish and fish habitat from the maintenance works conducted in August/September 2018. In follow-up to our site visit, we are seeking clarification on the items in the request below to better understand aspects of the works, undertakings or activities.

Reference:

Description of Attached Photos:

Photo 1:

- A) Zones of exposed articulated concrete mats and gravel along the banks of the crossing. The riparian planting and placement of seeded matting does not extend down to the water's edge through this zone.

Photo 2:

- B) Riparian tree planting that appears adjacent to the site of the crossing;
- C) Geotextile matting for erosion and sediment control and seeded matting along both banks of the crossing; and
- D) A pocket in the channel bank upstream of, and adjacent to the keyed-in riprap at the crossing

Photo 3:

- E) Root wads on the west bank downstream of and adjacent to the crossing.

Request:

DFO is seeking clarification on the following:

- a) An understanding of Trans Mountain's rationale for not placing soil over the exposed concrete mat along the banks and planting grasses into the zones marked 'A' in Photo 1. The natural banks upstream and downstream of the work site have vegetation extending to the water's edge. This vegetation holds soil in place and prevents bank erosion, which at the same time providing invertebrate inputs for fish forage.
- b) Whether riparian tree planting (i.e., tree plantings with white collars at the base) adjacent to the crossing, as shown in area 'B' of Photo 2, was conducted by or on behalf of Trans Mountain. DFO observed beaver activity immediately upstream and downstream of the crossing, and some of the planted trees have been damaged or removed by beaver activity.

- c) The objective(s) for installing erosion and sediment control matting and seeded matting, marked as 'C' in Photo 2, at the observed elevation along the bank.
- d) Whether Trans Mountain anticipates potential erosion or undercutting of the bank resulting from protrusion of the concrete matting from the bank's edge, resulting in further widening of the pocket observed (marked as 'D' in Photo 2). A similar pocket was observed on the east bank upstream of the concrete articulated mat.
- e) Whether or not root wads, marked in area 'E' were temporarily placed or installed by Trans Mountain, and if so, whether Trans Mountain intends to reposition these root wads to other locations near the crossing (e.g., in the vicinity of the pocket marked "D" in Photo 2, which may create refuge habitat for salmonids and contribute to invertebrate inputs, while also supporting sediment recruitment over the instream area of the articulated concrete mats).

Response:

- a) Based on DFO's site photographs from January 30, 2019 it is evident that DFO's inspection was conducted during moderate flows. Under these conditions the wetted width was not at the slough's bankfull width capacity; and as such, water depths were less than that of the assessed high water mark. By comparison, Trans Mountain conducted a site inspection of the Trans Mountain Pipeline right-of-way (TMPL ROW) crossing on December 20, 2018 during high flows. Photograph 1.0 below depicts conditions whereby the wetted width corresponded to the assessed high water mark of Stewart Slough at the TMPL ROW crossing.



Photograph 1.0. Upstream (north) aspect of Stewart Slough at the TMPL ROW crossing during a post-construction site inspection. This inspection was conducted during high flow conditions with the wetted width corresponding to the assessed high water mark (December 20, 2018).

The ArmorFlex® matting was designed to provide functional armouring of the pipeline while also preventing permanent adverse habitat alteration. The articulated matting allowed the natural



stream profile and thalweg to be maintained with no alteration of cross sectional or longitudinal profiles of the stream channel and no obstruction to fish migration during summer low flow conditions. Mitigation measures, including application of gravels and soils over the ArmorFlex®, were strategically prescribed such that the crossing would provide habitat that was functionally similar or improved from the pre-project conditions.

Trans Mountain recognizes that the banks upstream and downstream of the work site have vegetation extending to the water's edge; however, this vegetation is comprised primarily of invasive reed canarygrass (*Phalaris arundinacea*). Prior to construction of the engineered crossing the channel at the TMPL ROW was occluded with dense mats of reed canarygrass. Similar conditions were evident and still present immediately downstream of the TMPL ROW crossing. Photograph 2.0 and Photograph 3.0 below depict these conditions respectively.



Photograph 2.0. Upstream view (north aspect) of Stewart Slough at the TMPL ROW prior to hazard abatement construction. The channel was occluded with dense mats of reed canarygrass (August 24, 2018).



Photograph 3.0 Downstream view (south aspect) of Stewart Slough immediately downstream of the TMPL ROW prior to hazard abatement construction. The slough channel at this location is occluded with dense mats of reed canarygrass (August 14, 2018).

The open-cell, class 40 Armorflex® matting has a combined 20% open-cell design (2 cells in each block, and space between blocks) that allow for soil accumulation and revegetation. Streambed substrates at the TMPL ROW crossing were dominated by fine sand, silt and organics. Suitable spawning habitat for salmonids was not present at the project site. Gravels were used to infill the open-celled Armorflex® matting where it was installed below the assessed high water mark. The intention of this was to hasten accumulation of native substrate material (i.e. fine sand, silt and organics) by natural recruitment.

Reestablishment of natural substrate was anticipated to require a period of sustained seasonal high water levels. As shown in DFO Photo 1 fines and organics have accumulated over the gravel in the normally-wetted portion of the channel and will continue to do so over the upper extents of the bankfull width with sustained high flows through the winter.

The rationale for not applying fine soils over the Armorflex® below the high water mark was that this material would have mobilized once flows were reinstated through the constructed crossing, increasing the susceptibility of sedimentation of Stewart Slough. Qualified Environmental Professionals worked with the project Engineer to provide definitive prescriptions for placement of topsoil and gravel materials respective of the high water mark. Insertion of aquatic plugs into the Armorflex® cells was not permitted by the engineered design as this would have resulted in holes in the filter fabric beneath the concrete mat which could lead to potential undermining of the armoring structure.

Armorflex® matting above the high water mark was capped with topsoil to facilitate planting to enhance riparian habitat values. Prior to construction, bank vegetation was limited primarily to invasive reed canarygrass, maintained lawn, and several ornamental fruit trees. Native shrubs (*Symphoricarpos albus*, *Rosa nutkana*, *Rubus spectabilis*, *Sambucus racemose*, and *Spirea douglasii*) were planted (approximately 4 plants/m²) within the TMPL ROW. Additionally, 25 native trees (*Alnus rubra*, *Thuja plicata* and *Populus balsamifera*) were planted outside the TMPL ROW boundaries to offset the removal of five danger trees growing directly overtop of the pipeline. Photograph 4.0 below depicts the riparian habitat at the restored TMPL ROW crossing at Stewart Slough.



Photograph 4.0 Upstream (east) aspect of the TMPL ROW following completion of installation of topsoil overtop the ArmorFlex matting with hydroseeding and riparian planting above the high water mark to enhance riparian habitat values (October 2, 2018).

- b) The collared trees planted on the right bank immediately downstream from the crossing were pre-existing to Trans Mountain's work on site and were not done by or on behalf of Trans Mountain. Damage to planted cottonwood and willow stakes as noted during DFO's inspection had also been observed and documented by Trans Mountain prior to commencement of works (Photograph 5.0).



Photograph 5.0 Cottonwood and willow stakes planted along the right bank of Stewart Slough downstream of the TMPL ROW. Damage by beavers had been documented by Trans Mountain prior to commencement of construction (August 24, 2018).

- c) The engineered TMPL crossing included mitigative prescriptions for capping the Armorflex® matting with soil and planting native shrubs to restore riparian habitat values. Site restoration was designed and implemented by a Qualified Environmental Professional. To ensure establishment and survivorship of planted shrubs, the plan prescribed application of growing medium to a depth of 30 cm above the staked high-water mark. FiltrexxSoxx was installed parallel to the channel of Stewart Slough to provide sediment control and topsoil stabilization until reestablishment of vegetation. FiltrexxSoxx were reinforced with Curlex Erosion Control Blanket (ECB) wrapping around the FiltrexxSoxx perpendicular to the slough channel and anchored at the top of the slope outside of the ArmorFlex footprint. Native shrubs (i.e. plugs) were installed in the FiltrexxSoxx to further reestablish bank vegetation. Curlex Sediment Logs were installed above and parallel to the FiltrexxSoxx on both banks of Stewart Slough to provide additional sediment control.
- d) Per the engineered design submitted to the National Energy Board for review, the Armorflex® matting was keyed into the stream bed and backfilled with a riprap perimeter key to prevent scour or undercutting beneath the mats. The area marked as 'D' in Photo 2 is the location where the riprap key was tied into the upstream contour of the native stream bank. Figure 1.0 and Figure 2.0 below depict the engineering specifications for the riprap rock key. By meeting upstream and downstream creek bank grades, Trans Mountain does not expect any adverse affects outside of



Photograph 6.0 West aspect of the TMPL ROW toward the right bank of Stewart Slough during installation of the ArmorFlex matting. Photograph depicts upstream extent of matting where a riprap rock key was installed to transition into the natural invert of the stream bed.



Photograph 7.0 East aspect of the TMPL ROW at the Stewart Slough crossing showing the installed ArmorFlex matting and riprap rock eye. Photograph depicts downstream extent

of matting and riprap rock key that was installed to transition into the natural invert of the stream bed.



Photograph 8.0 West aspect of the TMPL ROW at the Stewart Slough crossing showing the installed ArmorFlex matting and riprap rock key. Photograph depicts upstream extent of matting and riprap rock key that was installed to transition into the natural invert of the stream bed.

- e) Root wads marked in area 'E' were those from the five danger trees that were removed from the left (east) bank of the Stewart Slough crossing. Placement of large woody debris overtop of a pipeline crossing is not industry practice as it presents a natural hazard that can lead to streambed scour that can compromise the integrity of the pipeline. Placement of the root wads was done so by the landowner for incorporation as coarse woody debris with their ongoing efforts to enhance the riparian area associated with Stewart Slough. Trans Mountain assisted the landowner with maneuvering the woody debris at the landowner's direction. The root wads were positioned immediately alongside the TMPL ROW boundaries such that it did not obstruct access and surveillance of the TMPL ROW.

PHOTO 1



PHOTO 2



PHOTO 3

Document Released Under the Access to
Information Act / Document divulgué en vertu
de la Loi sur l'accès à l'information.



Henderson, Evan

From: Henderson, Evan
Sent: Thursday, February 21, 2019 13:20
To: Bonamis, Alston
Cc: Brewis, William
Subject: RE: Habitat Impacts at Stewart Slough
Attachments: [REDACTED]

s.19(1)

s.21(1)(a)

s.21(1)(b)

Revised.

Hi [REDACTED]

- 1) [REDACTED]
- 2) DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the visit, DFO determined that no follow-up compliance action was necessary. Through discussion with Trans Mountain, DFO learned that Trans Mountain has committed to monitoring the Stewart Slough site in spring and summer 2019, and will continue inspections until the site is considered functioning from both an engineering and habitat perspective.

From: Henderson, Evan
Sent: Thursday, February 21, 2019 10:10
To: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Cc: Brewis, William <William.Brewis@dfo-mpo.gc.ca>
Subject: RE: Habitat Impacts at Stewart Slough

Hi Alston,

See below for draft content for [REDACTED]
[REDACTED]

Evan

Hi [REDACTED]

- 1) [REDACTED]

- 2) DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the visit, DFO determined that no follow-up compliance action was necessary.

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Sent: Thursday, February 21, 2019 09:30

To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>

Cc: Brewis, William <William.Brewis@dfo-mpo.gc.ca>

Subject: FW: Habitat Impacts at Stewart Slough

s.19(1)

From: [REDACTED]

Sent: Wednesday, January 30, 2019 11:09 PM

To: [REDACTED] Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>

Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: Re: Habitat Impacts at Stewart Slough

I'm interested in two DFO issues currently

- 1) the fish kill investigation, and follow-up meeting. When there was a non-compliance meeting this past summer, Cheryl had noted that subsequent meetings would involve the IAMC. I haven't seen anything on this.
- 2) feedback from DFO as it relates to this site visit.

It is hard for Indigenous communities to have faith in the regulatory process without a greater degree of transparency that was promised by the terms of reference. There has not been a DFO representative at the IAMC meetings for months, but someone been there, they would have heard me point out that based on the definitions of the TOR, activities within the pipeline corridor by TransMountain are explicitly mentioned whether it is on the expansion or not. The NEB has failed Indigenous communities multiple times in this space, as they have tried to pretend the IAMC only has a role as it relates to the TMX project, while the TOR for the IAMC are broader than simply the TMX project. The only question is now is how egregiously they have failed.

On Wed, Jan 30, 2019 at 1:50 PM [REDACTED] wrote:

Thank you Tracey.

Please keep us posted.

I understand that DFO was not engaged in this file due to the existing regulatory framework (i.e. MOU with NEB and Fisheries Act 2012), not because this was an omission – i.e. The NEB presumed there would be no significant adverse effects to fisheries in the work and now TMC is advising DFO because habitat impacts have occurred. Presumably TMC would not have been expected to contact DFO prior to Jan. 28, 2019 or when they noted the impacts, right?

Kind regards,

s.19(1)

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: January 30, 2019 9:26 AM

To:

Cc: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Please see below for Fisheries and Oceans Canada's (DFO) follow-up in relation to the Stewart Slough incident report:

- On January 28, 2019, DFO received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstances around the reported incident.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals regarding the works, undertakings or activities at Stewart Slough.
- DFO will conduct a site visit to Stewart Slough in the coming days to assess potential effects to fish and fish habitat from the maintenance works conducted.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement

Fisheries Protection Program
Ecosystem Management Branch

Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

s.19(1)

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Sandgathe, Tracey L
Sent: January-28-19 11:49 AM
To: [REDACTED] Raymond Cardinal; Bonamis, Alston
Subject: Re: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

We will do so, thank you [REDACTED]

Tracey Sandgathe, B.A., LL.B., LL.M.

A/Director, TMX Review and Engagement

Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada

Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: [REDACTED]

Date: 2019-01-28 10:00 AM (GMT-08:00)

To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>, [REDACTED]
[REDACTED] "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Thanks Tracey.

Alston – If you're able to summarize and share any information about DFO's role / inspections in this work, that would be great.

Kind regards,

[REDACTED]

s.19(1)

[REDACTED]

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: January 28, 2019 6:33 AM

To: [REDACTED]
[REDACTED] Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Thank you [REDACTED] We are aware of the matter. We appreciate you contacting us.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

s.19(1)

From: [REDACTED]

Sent: January 27, 2019 9:16 PM

To: [REDACTED] Bonamis, Alston; Sandgathe, Tracey L

Subject: Fwd: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Copying DFO in case this falls under your jurisdiction (or possibly BCOGC)?

Please see below. Thanks,

Begin forwarded message:

From: [REDACTED]

Date: January 27, 2019 at 8:05:36 PM PST

To: "Brian.Chambers@neb-one.gc.ca" <Brian.Chambers@neb-one.gc.ca>,
"Chris.Loewen@neb-one.gc.ca" <Chris.Loewen@neb-one.gc.ca>, "Margaret.McQuiston@neb-one.gc.ca" <Margaret.McQuiston@neb-one.gc.ca>,

[REDACTED] Naina Sloan <naina.sloan@canada.ca>,

Subject: Fwd: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Brian,

Please see link below.

I don't believe there was any formal correspondence with the IAMC (or our Monitoring Team) on TMC's operations work in Chilliwack last year (see below). This would have been a good site to visit for our monitoring team.

Can your team provide us with additional details about the work and any inspections the NEB
or others have done.

Please keep [REDACTED] and I posted on all future operations activities (particularly those that require
ground/watercourse disturbance).

Kind regards,

s.19(1)

Begin forwarded message:

From: [REDACTED]
Date: January 27, 2019 at 9:13:53 AM PST
To: [REDACTED]
Subject: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

fyi

<https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

**Pages 131 to / à 137
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(b), 21(1)(a)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Sandgathe, Tracey L

From: Sandgathe, Tracey L
Sent: Friday, February 22, 2019 5:24 PM
To: [REDACTED] Webb, Cheryl
Cc: Bonamis, Alston
Subject: RE: Habitat Impacts at Stewart Slough (and Westridge Fish Kill Incident)

s.16(2)

s.19(1)

Apologies for the delay in responding. Please see responses to your questions below.

Fishery officers are conducting an investigation of the fish kill event at the Westridge Marine Terminal. When we can, DFO will share more information.

DFO conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted. Based on observations made during the visit, DFO determined that no follow-up compliance action was necessary. Through discussion with Trans Mountain, DFO learned that Trans Mountain has committed to monitoring the Stewart Slough site in spring and summer 2019, and will continue inspections until the site is considered functioning from both an engineering and habitat perspective. DFO is intending to conduct future follow-up site visit(s) later in the year to see how sediment recruitment to the site has progressed and will follow-up with Trans Mountain if we notice issues. We are happy to follow up with the IMSC in more detail to describe what we saw during the site visit if that is valuable. Alternatively, we can also accommodate a joint site visit.

And [REDACTED] you are correct, TMC would not have been expected to contact DFO.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: [REDACTED]
Sent: January-30-19 11:09 PM
To: [REDACTED] Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>; Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: Re: Habitat Impacts at Stewart Slough

I'm interested in two DFO issues currently

1) the fish kill investigation, and follow-up meeting. When there was a non-compliance meeting this past summer, Cheryl had noted that subsequent meetings would involve the IAMC. I haven't seen anything on this.

2) feedback from DFO as it relates to this site visit.

It is hard for Indigenous communities to have faith in the regulatory process without a greater degree of transparency that was promised by the terms of reference. There has not been a DFO representative at the IAMC meetings for months, but someone been there, they would have heard me point out that based on the definitions of the TOR, activities within the pipeline corridor by TransMountain are explicitly mentioned whether it is on the expansion or not. The NEB has failed Indigenous communities multiple times in this space, as they have tried to pretend the IAMC only has a role as it relates to the TMX project, while the TOR for the IAMC are broader than simply the TMX project. The only question is now is how egregiously they have failed.

On Wed, Jan 30, 2019 at 1:50 PM [REDACTED] wrote:

Thank you Tracey.

Please keep us posted.

I understand that DFO was not engaged in this file due to the existing regulatory framework (i.e. MOU with NEB and Fisheries Act 2012), not because this was an omission – i.e. The NEB presumed there would be no significant adverse effects to fisheries in the work and now TMC is advising DFO because habitat impacts have occurred. Presumably TMC would not have been expected to contact DFO prior to Jan. 28, 2019 or when they noted the impacts, right?

Kind regards,

[REDACTED]

s.19(1)

[REDACTED]

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: January 30, 2019 9:26 AM

To: [REDACTED]

Cc: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

s.16(2)

s.19(1)

Please see below for Fisheries and Oceans Canada's (DFO) follow-up in relation to the Stewart Slough incident report:

- On January 28, 2019, DFO received an incident report of works, undertakings or activities conducted by Trans Mountain Pipeline ULC (the Proponent) on Stewart Slough in Chilliwack, BC that may have potentially affected fish habitat. DFO is currently following up with the complainant and has followed up with the Proponent to better understand the circumstances around the reported incident.
- It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Works conducted on the existing pipeline at Stewart Slough are not part of the Trans Mountain Pipeline Expansion Project.
- It is DFO's understanding from follow-up with the Proponent that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. DFO did not receive any applications or referrals regarding the works, undertakings or activities at Stewart Slough.
- DFO will conduct a site visit to Stewart Slough in the coming days to assess potential effects to fish and fish habitat from the maintenance works conducted.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement

Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Sandgathe, Tracey L
Sent: January-28-19 11:49 AM
To: [REDACTED] Bonamis, Alston
Subject: Re: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

We will do so, thank you [REDACTED]

Tracey Sandgathe, B.A., LL.B., LL.M.

A/Director, TMX Review and Engagement

s.16(2)

Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada

s.19(1)

Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: [REDACTED]

Date: 2019-01-28 10:00 AM (GMT-08:00)

To: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>, [REDACTED]
[REDACTED] "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Thanks Tracey.

Alston – If you're able to summarize and share any information about DFO's role / inspections in this work, that would be great.

Kind regards,

[REDACTED]

s.16(2)

s.19(1)

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Sent: January 28, 2019 6:33 AM

To: [REDACTED]

[REDACTED] Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>

Subject: RE: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Thank you Kyle. We are aware of the matter. We appreciate you contacting us.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: [REDACTED]

Sent: January 27, 2019 9:16 PM

To: [REDACTED] Bonamis, Alston; Sandgathe, Tracey L

Subject: Fwd: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Copying DFO in case this falls under your jurisdiction (or possibly BCOGC)?

Please see below. Thanks,

s.19(1)

Begin forwarded message:

From: [REDACTED]
Date: January 27, 2019 at 8:05:36 PM PST
To: "Brian.Chambers@neb-one.gc.ca" <Brian.Chambers@neb-one.gc.ca>,
"Chris.Loewen@neb-one.gc.ca" <Chris.Loewen@neb-one.gc.ca>, "Margaret.McQuiston@neb-one.gc.ca" <Margaret.McQuiston@neb-one.gc.ca>,
[REDACTED] Naina
Sloan <naina.sloan@canada.ca>,
Subject: Fwd: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

Brian,

Please see link below.

I don't believe there was any formal correspondence with the IAMC (or our Monitoring Team) on TMC's operations work in Chilliwack last year (see below). This would have been a good site to visit for our monitoring team.

Can your team provide us with additional details about the work and any inspections the NEB or others have done.

Please keep [REDACTED] and I posted on all future operations activities (particularly those that require ground/watercourse disturbance).

Kind regards,

Begin forwarded message:

From: [REDACTED]
Date: January 27, 2019 at 9:13:53 AM PST
To: [REDACTED]

Subject: <https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

fyi

<https://www.ctvnews.ca/business/amateur-hour-work-for-trans-mountain-pipeline-destroyed-salmon-habitat-scientist-1.4270935>

s.19(1)

Brewis, William

From: Brewis, William
Sent: Wednesday, February 27, 2019 3:50 PM
To: Bonamis, Alston
Subject: RE: Canadian Press - Stewart Creek inspection

Hi Alston,

See below for draft responses to the following questions (may not need the last line of the second response):

Have there been any impacts to salmon that use the stream so far from the temporary alteration to habitat?

Following Fisheries and Oceans Canada's (DFO's) review of, and site visit to, the Trans Mountain Pipeline crossing at Stewart Slough, DFO is of the opinion that there have been negligible adverse effects to salmon from the temporary alteration of habitat at the site. Functional rearing habitat for salmonids exists upstream and downstream of the site and is not limited.

Are there expected to be any impacts to salmon that use the stream over the next one to two years while the habitat slowly returns to pre-work conditions?

We anticipate that the recovery of fish habitat at the Stewart Slough crossing will result in negligible effects to salmon given the presence of functional rearing habitat upstream and downstream adjacent to the site that is not limited. The Project-owner plans to undertake monitoring of the site to track the recovery of fish habitat relative to restoration objectives.

Will

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: Wednesday, February 27, 2019 3:23 PM
To: Brewis, William <William.Brewis@dfo-mpo.gc.ca>
Subject: Fwd: Canadian Press - Stewart Creek inspection

Can you draft responses to Qs below?

Thanks,
Alston

----- Original message -----

From: "Sandgathe, Tracey L" <Tracey.Sandgathe@dfo-mpo.gc.ca>
Date: 2019-02-27 2:26 PM (GMT-08:00)
To: "Bonamis, Alston" <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: FW: Canadian Press - Stewart Creek inspection

Additional questions.

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement

Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

s.19(1)

From: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Sent: February-27-19 10:34 AM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hello Tracey,

There are a few more questions from [REDACTED] Canadian Press - can you provide answers to these questions please?

Have there been any impacts to salmon that use the stream so far from the temporary alteration to habitat?

Are there expected to be any impacts to salmon that use the stream over the next one to two years while the habitat slowly returns to pre-work conditions?

Thanks

Lauren Girdler

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Friday, February 15, 2019 3:22 PM
To: Girouard, Louise
Subject: FW: Canadian Press - Stewart Creek inspection

Please see below:

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des écosystèmes

Pêches et Océans Canada / Gouvernement du Canada

Tracey.Sandgathe@dfo-mpo.gc.ca

Tel: (604) 666-0129 / Cell: [REDACTED]

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>

Sent: February-15-19 11:50 AM

To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>

Cc: Cheung, Alice <Alice.Cheung@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>

Subject: FW: Canadian Press - Stewart Creek inspection

Hi Tracey,

s.16(2)

Can you please provide more details as per the reporter's follow up request below?

s.19(1)

Alternatively, would it be easier to arrange an interview with the reporter to explain?

Thanks,

L

Louise Girouard

Regional Director Communications | Directrice régionale des communications

Pacific Region | Région du Pacifique

Fisheries, Oceans and Canadian Coast Guard | Pêches, Océans et Garde côtière canadienne

Louise.Girouard@dfo-mpo.gc.ca Tel: 604.666.3855 | Cell: [REDACTED]

From: [REDACTED]

Sent: Friday, February 15, 2019 11:06 AM

To: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>

Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>

Subject: Re: Canadian Press - Stewart Creek inspection

Hi Louise, thanks! I have a couple follow up questions, related to this graf:

"Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions."

- How has the fish habitat been temporarily altered? Please explain in further detail.

The streambed in the vicinity of the works has been altered from soft sediment bottom to hard substrate as a result of the placement of the concrete articulated matting for protection of the pipeline. Stream flow through this area of the watercourse is slow, and will allow sediment (fines and sands) carried in suspension to settle out and re-form the soft-bottom (i.e., natural recruitment of sediment).

- What do you mean by "natural recruitment of sediment" to the site? How do you expect this to happen, and over what period of time? How will it re-establish the pre-existing habitat conditions?

Natural recruitment of sediment to the site is likely to occur over one or two years. Some sediment has already settled over the concrete matting since construction. The pre-existing habitat conditions provided rearing and overwintering habitat for salmonids. As natural recruitment of sediment occurs, and the riparian vegetation planted on the banks grows during the upcoming summer season, the site will start to resemble pre-construction conditions along with the habitat values that pre-existed. It should be noted however, that prior to the construction

works, the riparian vegetation was primarily reed canarygrass, which is an invasive plant species that often starts to grow into the streams and deteriorates fish habitat. The vegetation planted post-construction (e.g., snowberry, nootka rose, salmonberry, etc.) will help avoid recolonization of reed canarygrass and improve fish habitat once established (e.g., by providing shading of the stream to prevent warm water temperatures; reducing bank erosion, and providing insect inputs for fish forage).

- When do you expect the pre-existing habitat conditions to be re-established?

Pre-existing habitat conditions are likely to be fully established within one to two years. However, monitoring of the site should be undertaken by the Proponent to ensure that the habitat functions effectively.

I can be reached at [REDACTED] Please let me know. Thanks so much!

[REDACTED]
Canadian Press

s.16(2)

s.19(1)

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>

Sent: Friday, February 15, 2019 8:46:18 AM

To: [REDACTED]

Cc: Girdler, Lauren

Subject: FW: Canadian Press - Stewart Creek inspection

Good morning [REDACTED]

In response to your questions, I can offer the following response.

Please do not hesitate to contact me or my colleague Lauren Girdler (cc'd) if you have any questions.

Cheers,

Louise

Louise Girouard

Regional Director Communications | Directrice régionale des communications

Pacific Region | Région du Pacifique

Fisheries, Oceans and Canadian Coast Guard | Pêches, Océans et Garde côtière canadienne

Louise.Girouard@dfo-mpo.gc.ca Tel: 604.666.3855 | Cell: [REDACTED]

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO followed up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction. DFO is not contemplating further follow-up action with the Proponent, but will be confirming that the Proponent intends to conduct monitoring of the site to ensure that it functions effectively as fish habitat.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

s.19(1)

DFO could make arrangements to provide a spokesperson to speak on background.

From: [REDACTED]
Sent: Wednesday, February 13, 2019 12:18 PM
To: DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MediasQGRPACF.MPO@dfo-mpo.gc.ca>
Subject: Fw: Canadian Press - Stewart Creek inspection

Hi there, [REDACTED] - just wondering if anyone else is handling my request?
Many thanks,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, February 13, 2019 12:16 PM
To: Malikian, Janine
Cc: Girdler, Lauren
Subject: Re: Canadian Press - Stewart Creek inspection

Hi Janine, just wondering when you expect to have a response? Thanks very much!

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 11:10:52 AM
To: [REDACTED]
Cc: Girdler, Lauren
Subject: RE: Canadian Press - Stewart Creek inspection

s.19(1)

Super, thanks [REDACTED]

Janine

From: [REDACTED]
Sent: February-08-19 11:00 AM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Re: Canadian Press - Stewart Creek inspection

Yes, no problem at all Janine. Thank you so much for your help!

On Feb 8, 2019, at 8:20 AM, Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca> wrote:

Good morning [REDACTED]

Would it work for you if we get you answers after Monday? Program says we'll have more info then.

Thanks,
Janine

From: Malikian, Janine
Sent: February-07-19 12:09 PM
To: [REDACTED]
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hi [REDACTED]

Just wanted to let you know that we received your enquiry and will work on it.

Best,
Janine

Janine Malikian
Communications Advisor | Conseillère en Communications
Fisheries and Oceans Canada | Government of Canada
Pêches et Océans Canada | Gouvernement du Canada
200-401 Burrard Street | Pièce 200 401, rue Burrard
Vancouver, BC V6C 3S4 | Vancouver, (C.-B.) V6C 3S4

Janine.Malikian@dfo-mpo.gc.ca

Tel/Tél: 604-666-6766 | Fax/Télécopieur: 604-666-1847

Follow us on Twitter! [@DFO_Pacific](#) / Suivez-nous sur Twitter! [@MPO_Pacifique](#)

<image001.png>

From: [REDACTED]

Sent: February-07-19 12:00 PM

To: DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MediasQGRPACF.MPO@dfo-mpo.gc.ca>

Subject: Canadian Press - Stewart Creek inspection

s.19(1)

Hi there,

I'm a Canadian Press reporter and I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

Thanks so much. I can be reached at [REDACTED] I don't have an urgent deadline for this story but would appreciate a response as soon as you're able.

Best wishes,

[REDACTED]
Canadian Press

Sandgathe, Tracey L

From: Sandgathe, Tracey L
Sent: Thursday, February 28, 2019 2:37 PM
To: Girdler, Lauren
Subject: FW: Canadian Press - Stewart Creek inspection

Importance: High

Please see below. Thank you

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

Programme de la protection des pêches
Direction des écosystèmes
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: February-28-19 2:30 PM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection
Importance: High

Responses below (see highlighting).

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Thursday, February 28, 2019 9:29 AM
To: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Cc: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hi Lauren, Alston will be responding. He is out of the office at an all day workshop today. We will get you something as soon as possible tomorrow.

From: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Sent: February-28-19 9:01 AM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hi Tracey,

Just following up on this request. Have you had a chance to review the questions?

Thanks

Lauren Girdler

From: Girdler, Lauren
Sent: February-27-19 10:34 AM s.16(2)
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca> s.19(1)
Cc: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hello Tracey,

There are a few more questions from [REDACTED] Canadian Press - can you provide answers to these questions please?

Have there been any impacts to salmon that use the stream so far from the temporary alteration to habitat?

DFO is of the view that there are unlikely to have been impacts to salmon from the temporary habitat alteration. The site of the maintenance works previously provided rearing habitat for salmonids, and similar rearing habitat exists upstream and downstream of the site (i.e., rearing habitat is not limiting in Stewart Slough). As previously noted, over time sediment recruitment in the vicinity of the work area will help restore the habitat to its previous state.

Are there expected to be any impacts to salmon that use the stream over the next one to two years while the habitat slowly returns to pre-work conditions?

DFO does not anticipate impacts to salmon that use the stream over the next one to two years, as existing habitat upstream and downstream of the site of the maintenance works is not limited. Salmonids will be able to carry on their life history functions as previously.

Thanks

Lauren Girdler

From: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Sent: Friday, February 15, 2019 3:22 PM
To: Girouard, Louise
Subject: FW: Canadian Press - Stewart Creek inspection

Please see below:

Tracey Sandgathe, B.A., LL.B., LL.M.
A/Director, TMX Review and Engagement
Fisheries Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

Programme de la protection des pêches
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada
Tracey.Sandgathe@dfo-mpo.gc.ca
Tel: (604) 666-0129 / Cell: [REDACTED]

s.16(2)

s.19(1)

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Sent: February-15-19 11:50 AM
To: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Cc: Cheung, Alice <Alice.Cheung@dfo-mpo.gc.ca>; Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: FW: Canadian Press - Stewart Creek inspection

Hi Tracey,

Can you please provide more details as per the reporter's follow up request below?

Alternatively, would it be easier to arrange an interview with the reporter to explain?

Thanks,

L

Louise Girouard
Regional Director Communications | Directrice régionale des communications
Pacific Region | Région du Pacifique
Fisheries, Oceans and Canadian Coast Guard | Pêches, Océans et Garde côtière canadienne
Louise.Girouard@dfo-mpo.gc.ca Tel: 604.666.3855 | Cell: [REDACTED]

From: [REDACTED]
Sent: Friday, February 15, 2019 11:06 AM
To: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Re: Canadian Press - Stewart Creek inspection

Hi Louise, thanks! I have a couple follow up questions, related to this graf:

"Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions."

- How has the fish habitat been temporarily altered? Please explain in further detail.

The streambed in the vicinity of the works has been altered from soft sediment bottom to hard substrate as a result of the placement of the concrete articulated matting for protection of the pipeline. Stream flow through this area of the watercourse is slow, and will allow sediment (fines and sands) carried in suspension to settle out and re-form the soft-bottom (i.e., natural recruitment of sediment).

- What do you mean by "natural recruitment of sediment" to the site? How do you expect this to happen, and over what period of time? How will it re-establish the pre-existing habitat conditions?

Natural recruitment of sediment of sediment to the site is likely to occur over one or two years. Some sediment has already settled over the concrete matting since construction. The pre-existing habitat conditions provided rearing

and overwintering habitat for salmonids. As natural recruitment of sediment occurs, and the riparian vegetation planted on the banks grows during the upcoming summer season, the site will start to resemble pre-construction conditions along with the habitat values that pre-existed. It should be noted however, that prior to the construction works, the riparian vegetation was primarily reed canarygrass, which is an invasive plant species that often starts to grow into the streams and deteriorates fish habitat. The vegetation planted post-construction (e.g., snowberry, nootka rose, salmonberry, etc.) will help avoid recolonization of reed canarygrass and improve fish habitat once established (e.g., by providing shading of the stream to prevent warm water temperatures; reducing bank erosion, and providing insect inputs for fish forage).

- When do you expect the pre-existing habitat conditions to be re-established?

Pre-existing habitat conditions are likely to be fully established within one to two years. However, monitoring of the site should be undertaken by the Proponent to ensure that the habitat functions effectively.

I can be reached at [REDACTED] Please let me know. Thanks so much!

s.16(2)

s.19(1)

Canadian Press

From: Girouard, Louise <Louise.Girouard@dfo-mpo.gc.ca>

Sent: Friday, February 15, 2019 8:46:18 AM

To: [REDACTED]

Cc: Girdler, Lauren

Subject: FW: Canadian Press - Stewart Creek inspection

Good morning [REDACTED]

In response to your questions, I can offer the following response.

Please do not hesitate to contact me or my colleague Lauren Girdler (cc'd) if you have any questions.

Cheers,

Louise

Louise Girouard

Regional Director Communications | Directrice régionale des communications

Pacific Region | Région du Pacifique

Fisheries, Oceans and Canadian Coast Guard | Pêches, Océans et Garde côtière canadienne

Louise.Girouard@dfo-mpo.gc.ca Tel: 604.666.3855 | Cell: [REDACTED]

1. When did you visit the site? How many inspectors visited?

On January 28, 2019, Fisheries and Oceans Canada (DFO) received an incident report concerning works, undertakings or activities conducted by Trans Mountain Pipeline ULC on Stewart Slough in Chilliwack, B.C. that may have potentially affected fish habitat.

Two DFO biologists conducted a site visit at Stewart Slough on January 30, 2019 to assess potential effects to fish and fish habitat from the maintenance works conducted by Trans Mountain at Stewart Slough.

2. What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?

It is DFO's understanding from the incident report that pipeline protection works were conducted between August and September 2018 to ensure the integrity of the existing Trans Mountain Pipeline at its crossing on Stewart Slough. Based on observations made during the site visit, DFO determined that although the fish habitat has been temporarily altered, natural recruitment of sediment to the site will help re-establish the pre-existing habitat conditions. Based on the site inspection conducted and available information regarding the pre-existing site conditions, DFO is not contemplating further action at this time.

3. What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?

It is DFO's understanding from initial follow-up with Trans Mountain Pipeline ULC (the Proponent) that an Operations and Maintenance Notification was filed with the National Energy Board (NEB) regarding these works. The NEB and Fisheries and Oceans Canada entered into a memorandum of understanding in December 2013. Under this MOU, the NEB is responsible for assessing potential impacts to fish and fish habitat from NEB-regulated pipelines, including the Trans Mountain pipeline. If the NEB is of the view that works, undertakings or activities at specific pipeline watercourse crossings may require *Fisheries Act* authorizations or *Species at Risk Act* permits, the NEB refers those crossings and associated works to DFO for further review and authorization as required. DFO has not received a application for authorization or referrals regarding the works, undertakings or activities at Stewart Slough.

DFO retains ultimate responsibility for issuing any necessary authorizations required under the *Fisheries Act* or permits under the *Species at Risk Act*, and undertaking any enforcement action that may be necessary in relation to non-compliance with the *Fisheries Act* or *Species at Risk Act*.

DFO followed up with the Proponent to better understand choices made with respect to incorporation of fish habitat features in site design and construction. DFO is not contemplating further follow-up action with the Proponent, but will be confirming that the Proponent intends to conduct monitoring of the site to ensure that it functions effectively as fish habitat.

4. Did you complete a report? May I have a copy?

DFO has completed a site visit report that is maintained within internal records.

5. Is the inspector who visited the site available to do an interview with me?

s.19(1)

DFO could make arrangements to provide a spokesperson to speak on background.

From: [REDACTED]
Sent: Wednesday, February 13, 2019 12:18 PM
To: DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MediasQGRPACF.MPO@dfo-mpo.gc.ca>
Subject: Fw: Canadian Press - Stewart Creek inspection

Hi there, [REDACTED] - just wondering if anyone else is handling my request?
Many thanks,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, February 13, 2019 12:16 PM

To: Malikian, Janine
Cc: Girdler, Lauren
Subject: Re: Canadian Press - Stewart Creek inspection

Hi Janine, just wondering when you expect to have a response? Thanks very much!

From: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Sent: Friday, February 8, 2019 11:10:52 AM
To: [REDACTED]
Cc: Girdler, Lauren
Subject: RE: Canadian Press - Stewart Creek inspection

s.19(1)

Super, thanks [REDACTED]

Janine

From: [REDACTED]
Sent: February-08-19 11:00 AM
To: Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca>
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: Re: Canadian Press - Stewart Creek inspection

Yes, no problem at all Janine. Thank you so much for your help!

On Feb 8, 2019, at 8:20 AM, Malikian, Janine <Janine.Malikian@dfo-mpo.gc.ca> wrote:

Good morning [REDACTED]

Would it work for you if we get you answers after Monday? Program says we'll have more info then.

Thanks,
Janine

From: Malikian, Janine
Sent: February-07-19 12:09 PM
To: [REDACTED]
Cc: Girdler, Lauren <Lauren.Girdler@dfo-mpo.gc.ca>
Subject: RE: Canadian Press - Stewart Creek inspection

Hi [REDACTED]

Just wanted to let you know that we received your enquiry and will work on it.

Best,
Janine

Janine Malikian
Communications Advisor | Conseillère en Communications
Fisheries and Oceans Canada | Government of Canada

Pêches et Océans Canada | Gouvernement du Canada
200-401 Burrard Street | Pièce 200 401, rue Burrard
Vancouver, BC V6C 3S4 | Vancouver, (C.-B.) V6C 3S4
Janine.Malikian@dfo-mpo.gc.ca
Tel/Tél: 604-666-6766 | Fax/Télécopieur: 604-666-1847
Follow us on Twitter! [@DFO_Pacific](#) / Suivez-nous sur Twitter! [@MPO_Pacifique](#)
<image001.png>

From: [REDACTED]
Sent: February-07-19 12:00 PM
To: DFO.F PAC RHQ Media / Médias QGR PAC F.MPO <DFO.FPACRHQMedia-MediasQGRPACF.MPO@dfo-mpo.gc.ca>
Subject: Canadian Press - Stewart Creek inspection

s.19(1)

Hi there,

I'm a Canadian Press reporter and I understand that the Department of Fisheries and Oceans recently received a complaint from a biologist about work done on the Trans Mountain pipeline crossing at Stewart Creek in Chilliwack, B.C. It's my understanding that the department visited the site and did an inspection. I'm just wondering:

- When did you visit the site? How many inspectors visited?
- What did you observe there? What were your findings? What did you conclude about the work's effects on fish habitat?
- What are the next steps? Have you ordered the company to do anything, or must you file documentation with the energy board first?
- Did you complete a report? May I have a copy?
- Is the inspector who visited the site available to do an interview with me?

Thanks so much. I can be reached at [REDACTED] I don't have an urgent deadline for this story but would appreciate a response as soon as you're able.

Best wishes,

[REDACTED]
Canadian Press

Brewis, William

From: Sandgathe, Tracey L
Sent: Friday, March 8, 2019 9:37 AM
To: Bonamis, Alston; Henderson, Evan; Brewis, William
Subject: RE: Stewart Slough Update

s.19(1)

From: Bonamis, Alston <Alston.Bonamis@dfo-mpo.gc.ca>
Sent: March-08-19 9:08 AM
To: Henderson, Evan <Evan.Henderson@dfo-mpo.gc.ca>; Brewis, William <William.Brewis@dfo-mpo.gc.ca>
Cc: Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>
Subject: Stewart Slough Update

See article below.

<https://www.theglobeandmail.com/canada/article-salmon-habitat-altered-from-trans-mountain-pipeline-but-expected-to/>